THE NATIONAL ARCHIVES
LITTERA SCRIPTA MANET
FEDERAL REGISTER
OF THE UNITED STATES 1934

VOLUME 17 NUMBER 34

Washington, Saturday, February 16, 1952

TITLE 6—AGRICULTURAL CREDIT

Chapter I—Farm Credit Administration, Department of Agriculture

Subchapter F—Banks for Cooperatives

[FCA Order 539]

PART 70—LOAN INTEREST RATES AND SECURITY

CHANGES IN INTEREST RATES

1. Section 70.4, Chapter I, Title 6, Code of Federal Regulations, is hereby amended, effective on and after March 1, 1952, to read as follows:

§ 70.4 *Interest rate on loans in the continental United States and in Puerto Rico for financing operations.* The per annum rate of interest on loans made, other than upon the security of commodities, for the purposes specified in section 7 (a) (1) of the Agricultural Marketing Act, as amended (sec. 7, 46 Stat. 14; 12 U. S. C. 1141e), shall be as follows:

Bank for Cooperatives:	Per centum rate
Springfield	3
Baltimore:	
Continental United States	3½
Puerto Rico	3¾
Columbia	3½
Louisville	3
New Orleans	3¼
St. Louis	3¼
St. Paul	3
Omaha	3
Wichita	3¼
Houston	3¼
Berkeley	3¼
Spokane	3
Central Bank:	
Continental United States	3
Puerto Rico	3½

2. Section 70.5, Chapter I, Title 6, Code of Federal Regulations, is hereby amended, effective on and after March 1, 1952, to read as follows:

§ 70.5 *Interest rate on loans in the continental United States and in Puerto Rico made upon the security of commodities or upon the security of Commodity Credit Corporation loan documents.* The per annum rate of interest on all loans made upon the security of commodities or upon the security of Commodity Credit Corporation loan documents, for the purposes specified in section 7 (a) (1) of the Agricultural Marketing Act, as amended (sec. 7, 46 Stat. 14; 12 U. S. C. 1141e), shall be as follows:

Bank for Cooperatives:	Per centum rate
Springfield	2¾
Baltimore:	
Continental United States	3
Puerto Rico	3¼
Columbia	3
Louisville	2½
New Orleans	2¾
St. Louis	3
St. Paul	2½
Omaha	2½
Wichita	3
Houston	2¾
Berkeley	3
Spokane	2½
Central Bank:	
Continental United States	2¾
Puerto Rico	3¼

3. Section 70.6, Chapter I, Title 6, Code of Federal Regulations, is hereby repealed, effective at the close of business on February 29, 1952, the substance thereof having been included in § 70.5.

4. Section 70.7, Chapter I, Title 6, Code of Federal Regulations, is hereby amended, effective on and after March 1, 1952, to read as follows:

§ 70.7 *Interest rate on facility loans in the continental United States and in Puerto Rico.* The per annum rate of interest on facility loans made for the purposes specified in section 7 (a) (2) of the Agricultural Marketing Act, as amended (sec. 7, 46 Stat. 14; 12 U. S. C. 1141e), shall be as follows:

Bank for Cooperatives:	Per centum rate
Springfield	4
Baltimore:	
Continental United States	4½
Puerto Rico	4½
Columbia	4½
Louisville	4
New Orleans	4
St. Louis	4
St. Paul	4
Omaha	4
Wichita	4
Houston	4
Berkeley	4
Spokane	4
Central Bank:	
Continental United States	4
Puerto Rico	4½

5. Section 70.9, Chapter I, Title 6, Code of Federal Regulations, is hereby repealed, effective at the close of busi-

(Continued on p. 1495)

CONTENTS

FEDERAL REGISTER

Published daily, except Sundays, Mondays, and days following official Federal holidays, by the Federal Register Division, National Archives and Records Service, General Services Administration, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U. S. C., ch. 8B), under regulations prescribed by the Administrative Committee of the Federal Register, approved by the President. Distribution is made only by the Superintendent of Documents, Government Printing Office, Washington 25, D. C.

The regulatory material appearing herein is keyed to the Code of Federal Regulations, which is published, under 50 titles, pursuant to section 11 of the Federal Register Act, as amended June 19, 1937.

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CONTENTS—Continued

CONTENTS—Continued

CONTENTS—Continued

CODIFICATION GUIDE

A numerical list of the parts of the Code of Federal Regulations affected by documents published in this issue. Proposed rules, as opposed to final actions, are identified as such.

ness on February 29, 1952, the substance thereof having been included in §§ 70.4, 70.5, and 70.7.

(Sec. 8, 46 Stat. 14, as amended; 12 U. S. C. 1141f)

[SEAL] I. W. DUGGAN, *Governor.*

[F. R. Doc. 52-1939; Filed, Feb. 15, 1952; 8:50 a. m.]

TITLE 14—CIVIL AVIATION

Chapter II—Civil Aeronautics Administration, Department of Commerce

[Amdt. 13]

PART 609—STANDARD INSTRUMENT APPROACH PROCEDURES

USE OF RADIO NAVIGATIONAL FACILITIES REQUIRING FLIGHT CHECK

Section 609.3, published on December 22, 1951, in 16 F. R. 12865 is hereby amended. In the interest of safety in air travel this amendment is made effective without delay. Compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act would be impracticable and therefore is not required.

Section 609.3 (d) is amended by adding a new paragraph at the end thereof to read:

This paragraph shall not apply in the Territory of Alaska, including the Aleutian Islands, or in the central and western Pacific islands under United States jurisidiction, including the Territory of Hawaii and the islands of Canton, Wake, and Guam until further notice.

(Sec. 205, 52 Stat. 94, as amended; 49 U. S. C. 425. Interprets or applies sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

This amendment shall become effective upon publication in the FEDERAL REGISTER.

[SEAL] F. B. LEE, *Acting Administrator of Civil Aeronautics.*

[F. R. Doc. 52-1942; Filed, Feb. 15, 1952; 9:04 a. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 5845]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

IOWA FIBRE PRODUCTS, INC., ET AL.

Subpart—*Advertising falsely or misleadingly:* § 3.30 *Composition of goods.* Subpart—*Misbranding or mislabeling:* § 3.1190 *Composition: Wool Products Labeling Act.* Subpart—*Neglecting, unfairly or deceptively, to make material disclosure:* § 3.1845 *Composition; Wool Products Labeling Act.* I. In connection with the offering for sale, sale and distribution of Cush-N-Robes or other wool products in commerce, (1) misrepresenting in any way the constituent fiber or material used in its merchandise or the respective percentages thereof; (2) describing, designating or in any way referring to any product or portion of a product which is "reprocessed wool" or "reused wool" as "wool"; or, (3) using the word "wool" to describe, designate or in any way refer to any product or portion of a product which is not the fiber from the fleece of the sheep or lamb, or hair of the Angora goat or Cashmere goat, or hair of the camel, alpaca, llama or vicuna which has never been reclaimed from any woven or felted product; and, II, in connection with the introduction or manufacture for introduction into commerce, or the sale, transportation, or distribution of such products in commerce, misbranding respondents' Cush-N-Robes or other "wool products," as defined in and subject to the Wool Products Labeling Act of 1939, which contain, purport to contain, or in any way are represented as containing, "wool," "reprocessed wool" or "reused wool" as those terms are defined in said act; (1) by falsely or deceptively stamping, tagging, labeling or otherwise identifying such product; (2) by failing to securely affix to or place on such products a stamp, tag, label or other means of identification showing in a clear and conspicuous manner, (a) the percentage of the total fiber weight of such wool products, exclusive of ornamentation not exceeding five percentum of said total fiber weight of (1) wool, (2) reprocessed wool, (3) reused wool, (4) each fiber other than wool where said percentage by weight of such fiber is five percentum or more, and (5) the aggregate of all other fibers; (b) the maximum percentage of the total weight of such wool product of any nonfibrous loading, filling or adulterating matter; (c) the name or the registered identification number of the manufacturer of such wool product or of one or more persons engaged in introducing such wool product into commerce, or in the offering for sale, sale, transportation or distribution thereof in commerce, as "commerce" is defined in the Federal Trade Commission Act and in the Wool Products Labeling Act of 1939; prohibited, subject to the proviso, however, that the foregoing provisions concerning misbranding shall not be construed to prohibit acts permitted by paragraphs (a) and (b) of section 3 of the Wool Products Labeling Act of 1939; and to the further proviso that nothing contained in the order shall be construed as limiting any applicable provisions of said act or the rules and regulations promulgated thereunder.

(Sec. 6, 38 Stat. 722, sec. 6, 54 Stat. 1131; 15 U. S. C. 46, 68d. Interprets or applies sec. 5, 38 Stat. 719, as amended, secs. 2-5, 54 Stat. 1128-1130; 15 U. S. C. 45, 68-68c) [Cease and desist order, Iowa Fibre Products, Inc., et al., Docket 5845, December 7, 1951]

In the Matter of Iowa Fibre Products, Inc., a Corporation, and Harold D. Rubinson and Inez R. Erbstein, Individually and as Officers of Iowa Fibre Products, Inc.

This proceeding was heard by John W. Addison, trial examiner, theretofore duly designated by the Commission, upon the Commission's complaint, respondents' answers thereto, and testimony and other evidence in support of and in opposition to the allegations of the complaint introduced at a hearing before said trial examiner, and filed in the office of the Commission.

Thereafter the proceeding regularly came on for final consideration by said trial examiner on the complaint, the answers thereto, testimony and other evidence, no proposed findings and conclusion having been presented by counsel nor oral argument requested, and said trial examiner, having duly considered the record in the matter and having found that the proceeding was in the interest of the public, made his initial decision comprising certain findings as to the facts,[1] conclusion drawn therefrom,[1] and order to cease and desist.

No appeal having been filed from said initial decision of said trial examiner as provided for in Rule XXII, nor any other action taken as thereby provided to prevent said initial decision becoming the decision of the Commission thirty days from service thereof upon the parties, said initial decision, including said order to cease and desist, accordingly, under the provisions of said Rule XXII became the decision of the Commission on December 7, 1951.

The said order to cease and desist is as follows:

It is ordered, That the respondents Iowa Fibre Products, Inc., a corporation, and Harold D. Rubinson and Inez R. Erbstein, individually and as officers of Iowa Fibre Products, Inc., and their representatives, agents and employees, directly or through any corporate or other device in connection with the offering for sale, sale and distribution of Cush-N-Robes or other wool products in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Misrepresenting in any way the constituent fiber or material used in its merchandise or the respective percentages thereof;

2. Describing, designating or in any way referring to any product or portion of a product which is "reprocessed wool" or "reused wool" as "wool";

3. Using the word "wool" to describe, designate or in any way refer to any product or portion of a product which is not the fiber from the fleece of the sheep or lamb, or hair of the Angora goat or Cashmere goat, or hair of the camel, alpaca, llama or vicuna which has never been reclaimed from any woven or felted product.

It is further ordered, That the respondents Iowa Fibre Products, Inc., a corporation, and Harold D. Rubinson and Inez R. Erbstein, individually and as officers of Iowa Fibre Products, Inc., and their representatives, agents and employees, directly or through any corporate or other device, in connection with the introduction or manufacture for introduction into commerce, or the sale, transportation, or distribution of such products in commerce, as "commerce" is defined in the aforesaid acts, do forthwith cease and desist from misbranding

[1] Filed as part of the original document.

their Cush-N-Robes or other "wool products" as defined in and subject to the Wool Products Labeling Act of 1939, which contain, purport to contain, or in any way are represented as containing, "wool," reprocessed wool" or "reused wool" as those terms are defined in said act:

1. By falsely or deceptively stamping, tagging, labeling or otherwise identifying such product;

2. By failing to securely affix to or place on such products a stamp, tag, label or other means of identification showing in a clear and conspicuous manner:

(a) The percentage of the total fiber weight of such wool products, exclusive of ornamentation not exceeding five per centum of said total fiber weight of (1) wool, (2) reprocessed wool, (3) reused wool, (4) each fiber other than wool where said percentage by weight of such fiber is five per centum or more, and (5) the aggregate of all other fibers;

(b) The maximum percentage of the total weight of such wool product of any nonfibrous loading, filling or adulterating matter;

(c) The name or the registered identification number of the manufacturer of such wool product or of one or more persons engaged in introducing such wool product into commerce, or in the offering for sale, sale, transportation or distribution thereof in commerce, as "commerce" is defined in the Federal Trade Commission Act and in the Wool Products Labeling Act of 1939;

Provided, That the foregoing provisions concerning misbranding shall not be construed to prohibit acts permitted by paragraphs (a) and (b) of section 3 of the Wool Products Labeling Act of 1939; and

Provided further, That nothing contained in this order shall be construed as limiting any applicable provisions of said act or the rules and regulations promulgated thereunder.

By "Decision of the Commission and order to file report of compliance," Docket 5845, December 7, 1951, which decreed fruition of said initial decision, report of compliance with said order was required as follows:

It is ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: December 7, 1951.

By the Commission.

[SEAL] D. C. DANIEL,
Secretary.

[F. R. Doc. 52-1937; Filed, Feb. 15, 1952; 8:49 a. m.]

[File No. 21-439]

PART 208—PEARL, CULTURED PEARL, AND IMITATION PEARL INDUSTRY

PROMULGATION OF TRADE PRACTICE RULES

Due proceedings having been held under the trade practice conference procedure in pursuance of the act of Congress approved September 26, 1914, as amended (Federal Trade Commission Act), and other provisions of law administered by the Commission;

It is now ordered, That the trade practice rules of Group I, as hereinafter set forth, which have been approved by the Commission in this proceeding, be promulgated as of February 16, 1952.

Statement by the Commission. Trade practice rules for the Pearl, Cultured Pearl, and Imitation Pearl Industry, as hereinafter set forth, are promulgated by the Federal Trade Commission under the trade practice conference procedure. These rules replace and supercede, with respect to pearls, cultured pearls, and imitation pearls, the provisions relating to such products in the Wholesale Jewelry Industry Rules promulgated by the Commission on March 18, 1938. Products containing other components in addition to pearls, cultured pearls, and imitation pearls remain, as to such other components, subject to all other applicable trade practice rules, including the mentioned Wholesale Jewelry Industry Rules.

The rules are directed to the maintenance of free and fair competition in the industry and to the elimination and prevention of unfair methods of competition, unfair or deceptive acts or practices, and other trade abuses. To this end they provide a helpful guide to all members of the industry.

The industry for which these rules are promulgated is composed of all persons, firms, corporations and organizations engaged in the importation, manufacture, processing or marketing of any kind or type of pearls, cultured pearls, or imitation pearls, whether loose, strung, mounted, or affixed to another product. The total annual volume of business of the industry is estimated to be in excess of $20,000,000 at the wholesale level.

Proceedings to establish trade practice rules for this industry were instituted upon application from members of the industry. A general industry conference was held in New York City, at which proposals for rules were submitted for the consideration of the Commission. Thereafter a draft of proposed rules was published by the Commission and made available to all industry members and other interested or affected parties upon public notice whereby they were afforded opportunity to present their views, suggestions, objections, or amendments respecting the rules and to be heard in the premises. Pursuant to such notice a public hearing was held in New York City, and all matters there presented, or otherwise received in the proceedings, were duly considered by the Commission.

Following such hearings, and upon full consideration of the entire matter, final action was taken by the Commission whereby it approved the rules as hereinafter set forth.

Such rules became operative thirty (30) days from the date of promulgation.

The rules. These rules promulgated by the Commission are designed to foster and promote the maintenance of fair competitive conditions in the interest of protecting industry, trade, and the public. It is to this end, and to the exclusion of any act or practice which suppresses competition, restrains trade, fixes or controls price through combination or agreement, or which otherwise injures, destroys, or prevents competition, that the rules are to be applied.

GROUP I

AUTHORITY: §§ 208.0 to 208.19, issued under sec. 6, 38 Stat. 722; 15 U. S. C. 46, Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U. S. C. 45.

GROUP I

General statement. The unfair trade practices embraced in §§ 208.0 to 208.19 are considered to be unfair methods of competition, unfair or deceptive acts or practices, or other illegal practices, prohibited under laws administered by the Federal Trade Commission; and appropriate proceedings in the public interest will be taken by the Commission to prevent the use, by any person, partnership, corporation, or other organization subject to its jurisdiction, of such unlawful practices in commerce.

§ 208.0 *Definitions.* As used in §§ 208.0 to 208.19, the terms hereinafter set forth shall be understood to have the following meanings:

(a) *Pearl.* A calcareous concretion consisting essentially of alternating concentric layers of carbonate of lime and organic material formed within the body of certain mollusks, the result of an abnormal secretory process caused by an irritation of the mantle of the mollusk consequent on the intrusion of some foreign body inside the shell of the mollusk, or due to some abnormal physiological condition in the mollusk, neither of which has in any way been caused or induced by man.

(b) *Cultured pearl.* The composite product created when a nucleus (usually a sphere of calcareous mollusk shell) planted by man inside the shell or in the

mantle of a mollusk is coated with nacre by the mollusk.

(c) *Imitation pearl.* A manufactured product (composed of any material or materials) which simulates in appearance a pearl or cultured pearl.

§ 208.1 *Misrepresentation and deception in general.* It is an unfair trade practice to use, or cause or promote the use of, any trade promotional literature, advertising matter, guarantee, warranty, mark, brand, label, trade name, picture, design or device, designation, or other type of oral or written representation, however disseminated or published, which has the capacity and tendency or effect of misleading or deceiving purchasers or prospective purchasers with respect to the type, kind, grade, quality, quantity, size, weight, nature, substance, durability, serviceability, origin, preparation, production, manufacture, distribution, or customary or regular price, of any product of the industry, or which has the capacity and tendency or effect of misleading or deceiving the purchasing or consuming public in any other material respect. [Rule 1]

§ 208.2 *Misuse of word "pearl."* (a) It is an unfair trade practice to use the unqualified word "pearl," or any other word or phrase of like meaning or connotation, to describe, identify, or refer to any object or product which is not in fact a pearl as defined in § 208.0.

(b) It is an unfair trade practice to use the word "pearl" to describe, identify, or refer to a cultured pearl unless it is immediately preceded, with equal conspicuity, by the word "cultured" or "cultivated," or by some other word or phrase of like meaning and connotation, so as to indicate definitely and clearly that the product is not a pearl.

(c) It is an unfair trade practice to use the word "pearl" to describe, identify, or refer to an imitation pearl unless it is immediately preceded, with equal conspicuity, by the word "imitation" or "simulated," or by some other word or phrase of like meaning and connotation, so as to indicate definitely and clearly that the product is not a pearl.

NOTE: The placing of an asterisk next to the word "pearl," which asterisk makes reference to a footnote explanation of the fact that the product is an imitation or cultured pearl, is not regarded as compliance with the requirements of this section.

[Rule 2]

§ 208.3 *Misuse of terms "cultured pearl," "cultivated pearl," "seed pearl," "oriental pearl," and "oriental."* (a) It is an unfair trade practice to use the terms "cultured pearl," "cultivated pearl," or any other words, terms or phrases of like meaning or connotation, to describe, identify, or refer to any imitation pearl.

(b) It is an unfair trade practice to use the term "seed pearl," or any words, terms, or phrases of like meaning or connotation, to describe, identify, or refer to any cultured pearl or imitation pearl.

(c) It is an unfair trade practice to use the term "Oriental pearl," or any words, terms, or phrases of like meaning or connotation, to describe, identify, or refer to any product of the industry other than a pearl taken from a salt water mollusk and of the distinctive appearance and type of pearls obtained from mollusks inhabiting the Persian Gulf and recognized in the jewelry trade as Oriental pearls.

(d) It is an unfair trade practice to use the term "Oriental" to describe, identify, or refer to any cultured or imitation pearl. [Rule 3]

§ 208.4 *Misuse of words "reproduction," "synthetic," "replica," etc.* (a) It is an unfair trade practice to use the word "reproduction" or "replica" as descriptive of cultured or imitation pearls.

(b) It is an unfair trade practice to use the term "synthetic" as descriptive of an imitation or cultured pearl, or of any other product unless such other product has been artificially created and is of similar appearance and of essentially the same physical and chemical structure as a pearl.

NOTE: Synthetic pearls possessing the same structure, properties, and characteristics as natural pearls have not yet been produced.

[Rule 4]

§ 208.5 *Misuse of words "real", "genuine", "natural", "wild", etc.* It is an unfair trade practice to use the word "real", "genuine", "natural", or "wild", or any other word, expression, or representation of similar import, in any way as descriptive of any article or articles which are manufactured or produced synthetically or artificially, or which are artificially cultured or cultivated, or which are a simulation or imitation of or substitute for pearls, with the tendency and capacity or effect of misleading or deceiving purchasers, prospective purchasers, or the consuming public. [Rule 5]

§ 208.6 *Misuse of word "gem".* It is an unfair trade practice to use the word "gem", or any word, term, or phrase of like meaning or connotation, to describe, identify, or refer to any product of the industry which does not possess the beauty, symmetry, rarity, and value necessary for qualification as a gem.

NOTE: Imitation pearls cannot be described as "gems" under any circumstances.

Use of the term "gem" with respect to cultured pearls should be avoided since few cultured pearls possess the necessary qualifications.

[Rule 6]

§ 208.7 *Deceptive imitation of trademarks, trade names, or of other words or terms.* In the sale, offering for sale, or distribution of industry products, it is an unfair trade practice—

(a) To imitate or simulate the trademarks, trade names, brands, or labels of competitors, with the capacity and tendency or effect of misleading or deceiving purchasers or prospective purchasers; or

(b) To deceive purchasers or prospective purchasers by designating or describing an industry product by use of any word, term, or combination of letters which simulates, in appearance or sound, some other word, term, or expression, or an abbreviation thereof, when the product so described or so designated is of a kind, quality, value, or composition different than that denoted or implied by the word, term, expression, or abbreviation so simulated.

NOTE: Examples of deceptive simulations within the inhibitions of paragraph (b) of this section are (1) "Natura", when used as descriptive of a cultured or imitation pearl, and (2) "Kultured", when used as descriptive of an imitation pearl.

[Rule 7]

§ 208.8 *Misrepresentation as to cultured pearls.* It is an unfair trade practice, in connection with the distribution, sale, or offering for sale of industry products, to make, publish, or disseminate, or cause to be made, published, or disseminated, any false, misleading, or deceptive statement or representation concerning the manner in which cultured pearls are produced, the size of the nucleus artificially inserted in the oyster and included in cultured pearls, the length of time that such products remained in the oyster, the thickness of the nacre coating, the value and quality of cultured pearls as compared with the value and quality of pearls and imitation pearls, or concerning any other material matter relating to the formation, structure, properties, characteristics, and qualities of cultured pearls. [Rule 8]

§ 208.9 *Misrepresentation as to origin of pearls and cultured pearls.* It is an unfair trade practice to misrepresent or deceptively conceal the geographic source, origin, or place of discovery or production of pearls or cultured pearls.

NOTE: As practically all pearls and cultured pearls are produced abroad, affirmative disclosure that they were not produced in the United States is not normally required. However, if representations are made as to their origin, such representations must be truthful, correct, and not misleading or deceptive.

[Rule 9]

§ 208.10 *Misrepresentation as to origin of imitation pearls and disclosure of foreign origin.* (a) It is an unfair trade practice to represent, by use of such terms as "American made" or "Made in U. S. A.", or by use of any other words or terms or like meaning or connotation, that imitation pearls produced in a foreign country were made in the United States.

(b) It is an unfair trade practice to offer for sale, sell, or distribute imitation pearls produced in a foreign country without affirmatively and clearly disclosing thereon, or in immediate connection therewith, by a truthful and nondeceptive mark, stamp, brand, or label, the country of origin of such product.

NOTE: Where only raw material is imported, either in bulk or in the shape of uncoated beads, and used in the United States in the manufacture of imitation pearls, the finished articles are considered products of American manufacture, and disclosure of the foreign origin of such material or beads is not required.

[Rule 10]

§ 208.11 *Misleading illustrations.* It is an unfair trade practice, in connection with the offering for sale, sale, or distribution of pearls, cultured pearls, or imitation pearls, to use, as part of any pack-

aging material, label, advertisement, or other sales promotion literature, any picture, illustration, map, diagram, or other depiction which, either alone or in conjunction with the words or phrases accompanying such depiction, has the capacity and tendency or effect of misleading or deceiving purchasers or prospective purchasers concerning the type, kind, grade, quality, quantity, size, character, substance, nature, origin, production, or preparation of any industry product, or which has the capacity and tendency or effect of misleading or deceiving the purchasing or consuming public in any other material respect.

NOTE: For example, earrings set with five millimeter pearls should not be represented in advertisements by illustrations indicating that the pearl insets are of ten millimeter size. Likewise, pictures of oysters, deep-sea divers, etc., should not be used in advertisements of imitation pearls in a manner which creates the impression that the products offered for sale are pearls or cultured pearls or products of oysters or of the sea.

[Rule 11]

§ 208.12 *Misrepresentation as to character of business.* It is an unfair trade practice for any member of the industry to represent, directly or indirectly, through the use of any word or term in his corporate or trade name, in his advertising, or otherwise, that he is a producer, manufacturer, or importer of products of the industry, or that he owns or controls a factory making such products, or has connections abroad through which imports are secured, or maintains offices abroad, when such is not the fact, or in any other manner to misrepresent the character, extent, volume, or type of his business. [Rule 12]

§ 208.13 *Fictitious prices, price lists, etc.* (a) The publishing or circulating by any member of the industry of false or misleading price quotations, price lists, terms or conditions of sale, or reports as to production or sales, with the capacity and tendency or effect of misleading or deceiving purchasers, prospective purchasers, or the consuming public, or the advertising, sale, or offering for sale of industry products at prices purporting to be reduced from what are in fact fictitious prices, or at purported reductions in prices when such purported reductions are in fact fictitious or are otherwise misleading or deceptive, is an unfair trade practice.

(b) It is an unfair trade practice, in connection with the sale, offering for sale, or distribution of industry products at prices that are in any manner represented as reduced from or lower than current, former, or regular prices, to use, or to furnish or supply for such use, price tags, labels, or advertising material that set forth a false, fictitious, or exaggerated current, former, or regular price, or a false, fictitious, or exaggerated manufacturer's or distributor's suggested retail selling price, or that contain what purport to be bona fide price quotations which are in fact higher than the prices at which such products are regularly and customarily sold in bona fide retail transactions. It is likewise an unfair trade practice to distribute, sell, or offer for sale to the consuming public in such manner products bearing such false, fictitious, or exaggerated price tags or labels. [Rule 13]

§ 208.14 *Misuse of terms "close-outs", "discontinued lines", "special bargains", etc.* It is an unfair trade practice to offer for sale, sell, advertise, describe, or otherwise represent, industry products as "close-outs", "discontinued lines", or "special bargains", by use of such terms or by words or representations of similar import, when such is not true in fact; or to so offer for sale, sell, advertise, describe, or otherwise represent industry products where the capacity and tendency or effect thereof is to lead the purchasing or consuming public to believe such products are being offered for sale or sold at greatly reduced prices, or at so-called "bargain" prices, when such is not the fact. [Rule 14]

§ 208.15 *Commercial bribery.* It is an unfair trade practice for a member of the industry, directly or indirectly, to give, or offer to give, or to permit or cause to be given, money or anything of value to agents, employees, or representatives of customers or prospective customers, or to agents, employees, or representatives of competitors' customers or prospective customers, without the knowledge of their employers or principals, as an inducement to influence their employers or principals to purchase or contract to purchase products imported, manufactured, or sold by such industry member or the maker of such gift or offer, or to influence such employers or principals to refrain from dealing in the products of competitors or from dealing or contracting to deal with competitors. [Rule 15]

§ 208.16 *"Spiffs", "push money", etc.* It is an unfair trade practice for any member of the industry, directly or indirectly, to give, pay, or contract to pay, to any clerk or salesperson of any customer-dealer handling two or more competitive brands of merchandise, "push money", "spiffs", or any other bonus, gratuity, or payment, as an inducement or encouragement to push or promote the sale of such member's product or products over competing products of other members in the industry,

(a) With the capacity and tendency or effect of thereby causing the purchasing or consuming public, when making purchases of such products, to be misled or deceived into the erroneous belief that such clerk or salesperson is free from any such special interest or influence, or is not so subsidized or paid by such member; or

(b) With the capacity and tendency or effect of thereby hampering and unduly restricting the legitimate, free, and full use and enjoyment of such retail trade outlets for the distribution to the public of competing products; or

(c) With the purpose or effect, directly or indirectly, of otherwise substantially lessening competition or unreasonably restraining trade in the marketing of the products of the industry; or

(d) With the effect of thereby bringing about the granting of an illegally discriminatory service, payment, or price contrary to section 2 of the Clayton Act as amended by the act of Congress approved June 19, 1936, known as the Robinson-Patman Act. [Rule 16]

§ 208.17 *Consignment distribution.* (a) It is an unfair trade practice for any member of the industry to employ the practice of shipping industry products on consignment without the express request of the purchaser.

(b) It is an unfair trade practice for any member of the industry to employ the practice of shipping industry products on consignment or pretended consignment for the purpose and with the effect of artificially clogging or closing trade outlets and unduly restricting competitors' use of said trade outlets in getting their products to consumers through regular channels of distribution, thereby injuring, destroying, or preventing competition or tending to create a monopoly or unreasonably to restrain trade.

(c) Nothing in this section shall be construed to authorize any understanding or agreement, combination or conspiracy, or planned common course of action, by and between industry members, mutually to conform or restrict their practice of shipping goods on consignment with the intent or effect of lessening competition. [Rule 17]

§ 208.18 *Prohibited discrimination—* (a) *Prohibited discriminatory prices, or rebates, refunds, discounts, credits, etc., which effect unlawful price discrimination.* It is an unfair trade practice for any member of the industry engaged in commerce,[1] in the course of such commerce, to grant or allow, secretly or openly, directly or indirectly, any rebate, refund, discount, credit, or other form of price differential, where such rebate, refund, discount, credit, or other form of price differential, effects a discrimination in price between different purchasers of goods of like grade and quality, where either or any of the purchases involved therein are in commerce,[1] and where the effect thereof may be substantially to lessen competition or tend to create a monopoly in any line of commerce,[1] or to injure, destroy, or prevent competition with any person who either grants or knowingly receives the benefit of such discrimination, or with customers of either of them: *Provided, however—*

(1) That the goods involved in any such transaction are sold for use, consumption, or resale within any place under the jurisdiction of the United States;

(2) That nothing in this section shall prevent differentials which make only due allowance for differences in the cost of manufacture, sale, or delivery result-

[1] As here used, the word "commerce" means "trade or commerce among the several States and with foreign nations, or between the District of Columbia or any Territory of the United States and any State, Territory, or foreign nation, or between any insular possessions or other places under the jurisdiction of the United States, or between any such possession or place and any State or Territory of the United States or the District of Columbia or any foreign nation, or within the District of Columbia or any Territory or any insular possession or other place under the jurisdiction of the United States."

ing from the differing methods or quantities in which such commodities are to such purchasers sold or delivered: *And provided further*, That when all available purchasers in greater quantities are so few as to render differentials on account thereof unjustly discriminatory or promotive of monopoly in any line of commerce,[1] and if and when the Federal Trade Commission shall have established quantity limits pursuant to the provisions of section 2 (a) of the Clayton Act (as amended), the foregoing shall not be construed to permit differentials based on differences in quantities greater than those so established;

(3) That nothing in this section shall prevent persons engaged in selling goods, wares, or merchandise in commerce[1] from selecting their own customers in bona fide transactions and not in restraint of trade;

(4) That nothing in this section shall prevent price changes from time to time where made in response to changing conditions affecting the market for or the marketability of the goods concerned, such as but not limited to obsolescence of seasonal goods, distress sales under court process, or sales in good faith in discontinuance of business in the goods concerned.

(b) *Prohibited brokerage and commissions.* It is an unfair trade practice for any member of the industry engaged in commerce,[1] in the course of such commerce, to pay or grant, or to receive or accept, anything of value as a commission, brokerage, or other compensation, or any allowance or discount in lieu thereof, except for services rendered in connection with the sale or purchase of goods, wares, or merchandise, either to the other party to such transaction or to an agent, representative, or other intermediary therein where such intermediary is acting in fact for or in behalf, or is subject to the direct or indirect control, of any party to such transaction other than the person by whom such compensation is so granted or paid.

(c) *Prohibited advertising or promotional allowances, etc.* It is an unfair trade practice for any member of the industry engaged in commerce[1] to pay or contract for the payment of advertising or promotional allowances or any other thing of value to or for the benefit of a customer of such member in the course of such commerce as compensation or in consideration for any services or facilities furnished by or through such customer in connection with the processing, handling, sale, or offering for sale of any products or commodities manufactured, sold, or offered for sale by such member, unless such payment or consideration is available on proportionally equal terms to all other customers competing in the distribution of such products or commodities.

(d) *Prohibited discriminatory services or facilities.* It is an unfair trade practice for any member of the industry engaged in commerce[1] to discriminate in favor of one purchaser against another purchaser or purchasers of a commodity bought for resale, with or without processing, by contracting to furnish or furnishing, or by contributing to the furnishing of, any services or facilities connected with the processing, handling, sale, or offering for sale of such commodity so purchased upon terms not accorded to all competing purchasers on proportionally equal terms.

(e) *Inducing or receiving an illegal discrimination in price.* It is an unfair trade practice for any member of the industry engaged in commerce[1] in the course of such commerce, knowingly to induce or receive a discrimination in price which is prohibited by the foregoing provisions of this section.

(f) *Exemptions.* The inhibitions of this section shall not apply to purchases of their supplies for their own use by schools, colleges, universities, public libraries, churches, hospitals, and charitable institutions not operated for profit.

NOTE: In complaint proceedings charging discrimination in price or services or facilities furnished, and upon proof having been made of such discrimination, the burden of rebutting the prima facie case thus made by showing justification shall be upon the person charged; and unless justification shall be affirmatively shown, the Commission is authorized to issue an order terminating the discrimination: *Provided, however;* That nothing in this section shall prevent a seller rebutting the prima facie case thus made by showing that his lower price or the furnishing of services or facilities to any purchaser or purchasers was made in good faith to meet an equally low price of a competitor, or the services or facilities furnished by a competitor. (See sec. 2 (b) Clayton Act.)

[Rule 18]

§ 208.19 *Aiding or abetting use of unfair trade practices.* It is an unfair trade practice for any person, firm, or corporation to aid, abet, coerce, or induce another, directly or indirectly, to use or promote the use of any unfair trade practice specified in this part. [Rule 19]

Promulgated by the Federal Trade Commission February 16, 1952.

Issued: February 13, 1952.

[SEAL] D. C. DANIEL, *Secretary.*

[F. R. Doc. 52-1938; Filed, Feb. 15, 1952; 8:50 a. m.]

TITLE 26—INTERNAL REVENUE

Chapter I—Bureau of Internal Revenue, Department of the Treasury

Subchapter C—Miscellaneous Excise Taxes

[T. D. 5883; regulations 44]

PART 314—TAXES ON GASOLINE, LUBRICATING OIL AND MATCHES

INCREASED RATE OF TAX ON GASOLINE AND FLOOR STOCKS TAX ON GASOLINE

In order to conform Regulations 44 (1944 ed.) (26 CFR Part 314), relating to taxes on gasoline, lubricating oil, and matches under Chapter 29 of the Internal Revenue Code, to section 489 of the Revenue Act of 1951 (Pub. Law 183, 82d Cong., 1st sess.), approved October 20, 1951, such regulations are hereby amended as follows:

PARAGRAPH 1. Immediately preceding § 314.30, there is inserted the following:

SEC. 489. TAX ON GASOLINE (REVENUE ACT OF 1951, APPROVED OCTOBER 20, 1951).

(a) *Increase in rate.* Section 3412 (a) is hereby amended by striking out "1½ cents" and inserting in lieu thereof "2 cents" and by adding at the end thereof the following new sentence: "On and after April 1, 1954, the tax imposed by this section shall be 1½ cents a gallon in lieu of 2 cents a gallon."

* * * * *

SEC 490. EFFECTIVE DATE OF PART VIII (REVENUE ACT OF 1951, APPROVED OCTOBER 20, 1951).

Except as otherwise expressly provided in this part, the amendments made by this part shall take effect on the first day of the first month which begins more than 10 days after the date of the enactment of this Act.

PAR. 2. Section 314.35 is amended to read as follows:

§ 314.35 *Rate of tax.* The tax is payable by the importer or producer thereof, or by any producer of gasoline, at the rate of 1½ cents a gallon prior to November 1, 1951, at the rate of 2 cents a gallon for the period November 1, 1951, to March 31, 1954, inclusive, and at the rate of 1½ cents a gallon on and after April 1, 1954.

PAR. 3. Section 314.65 is renumbered as § 314.75.

PAR. 4. There is inserted immediately after the text of section 3658 of the Internal Revenue Code the following new Subpart G:

SUBPART G—FLOOR STOCKS TAX ON GASOLINE

SEC. 489. TAX ON GASOLINE (REVENUE ACT OF 1951, APPROVED OCTOBER 20, 1951).

* * * * *

(b) *Floor stocks tax and refund.* Section 3412 is hereby amended by adding at the end thereof the following new subsections:

(f) *1951 floor stocks tax.* On gasoline subject to tax under this section which, on the effective date of section 489 (a) of the Revenue Act of 1951, is held and intended for sale, there shall be levied, assessed, collected, and paid a floor stocks tax at the rate of ½ cent per gallon. The tax shall not apply to gasoline in retail stocks held at the place where intended to be sold at retail, nor to gasoline held for sale by a producer or importer of gasoline. The provisions of section 3443 shall be applicable to the floor stocks tax imposed by this subsection so as to entitle, subject to all the provisions of such section, (1) any manufacturer or producer to a refund or credit of such tax under subsection (a) (1) of such section, and (2) any person paying such floor stocks tax to a refund or credit thereof where gasoline is by such person or any other person used or resold for any of the purposes specified in subparagraphs (A) (i), (ii), and (iii) of subsection (a) (3) of such section.

* * * * *

§ 314.70 *Rate and scope of floor stocks tax.* The floor stocks tax at the rate of ½ cent per gallon is imposed on gasoline as described in § 314.30. In general this includes (a) all products commonly or commercially known or sold as gasoline (including casinghead and natural gasoline), benzol, benzene, or naphtha, regardless of their classifications or uses; and (b) any other liquid of a kind prepared, advertised, offered for sale or sold for use as, or used as, a

See footnote on p. 1498.

fuel for the propulsion of motor vehicles, motor boats, or airplanes. The term "gasoline" does not, however, include kerosene, gas oil, or fuel oil. The floor stocks tax is on gasoline which is held and intended for sale at the first moment of November 1, 1951, by any person other than a producer or importer of gasoline or a person holding gasoline in retail stocks at the place where intended to be sold at retail. The floor stocks tax is on gasoline which is held and intended for sale and not on the sale of gasoline.

Gasoline is regarded as held by the owner thereof at the first moment of November 1, 1951, although at that time the gasoline is in transit to the owner. Where title does not pass to the consignee until delivery, the consignor of the gasoline in transit at the first moment of November 1, 1951, is regarded as the owner at that time.

The floor stocks tax does not apply to gasoline held on November 1, 1951, in retail establishments where such gasoline is to be sold or disposed of exclusively at retail direct to consumers. The term "held at the place where intended to be sold at retail" means gasoline held in those tanks from which it is delivered direct through gasoline pumps to the ultimate consumer and does not include gasoline held in bulk storage tanks for replenishment of the supply in the tanks serving the retail gasoline pumps even though such gasoline may be held in storage tanks or in tank cars on premises occupied by a retail establishment. The floor stocks tax likewise does not apply to gasoline held for sale on November 1, 1951, by a producer or importer of gasoline, or to gasoline held by any person for use rather than for sale.

§ 314.71 *Inventory.* Every person liable to pay floor stocks tax on gasoline shall prepare an inventory of such gasoline subject to the floor stocks tax held at the first moment of November 1, 1951. Persons holding gasoline at more than one location shall prepare a separate inventory in duplicate for each such location. One copy of the separate inventory shall be retained at such location and one copy shall be forwarded to and kept at the taxpayer's principal place of business. Each inventory shall show the name of the taxpayer, the location of the particular premises for which the inventory is made, and the name and address of the prinicipal office from which the floor stocks return will be filed. Separate inventories forwarded to the taxpayer's principal place of business shall be consolidated into a single inventory for the purpose of computing the tax and making the return. The inventories shall not be filed with the return but shall be retained by the taxpayer at his principal place of business.

§ 314.72 *Credit or refund of floor stocks tax.* The provisions of section 3443 are applicable to floor stocks tax imposed by section 489 (b) of the Revenue Act of 1951 so as to entitle any manufacturer or producer to a refund or credit of floor stocks tax paid on gasoline purchased by him and used by him as material in the manufacture or production of, or as a component part of, an article with respect to which tax has been paid or which has been sold free of tax by virtue of section 3442, relating to tax-free sales. Any person who pays a floor stocks tax on gasoline may obtain a refund or credit of the tax paid in cases where the gasoline is used or resold by him or by any other person for any of the purposes specified in section 3443 (a) (3) (A) (i), (ii), and (iii) of the Code, relating to sales to States, etc., sales for use as fuel supplies on certain vessels etc., and sales for nonmotor fuel use. (See § 314.64.)

§ 314.73 *Returns.* Form 887, Revised 1951, is prescribed as the form on which persons liable to floor stocks tax on gasoline shall make return and pay tax. The return shall be prepared in duplicate; the original shall be filed on or before December 31, 1951, with the collector for the district in which is located the taxpayer's principal place of business and the duplicate shall be retained at the taxpayer's principal place of business.

§ 314.74 *Records.* Records showing payment of floor stocks tax on gasoline together with the consolidated and separate inventories and other relevant papers and material must be kept by the taxpayer for a period of four years from the date the tax is due.

Because the amendments of section 3412 of the Internal Revenue Code by section 489 of the Revenue Act of 1951 increased the rate of tax and provided a floor stocks tax on gasoline, both effective on November 1, 1951, and this Treasury decision reflects such amendments, it is hereby found that it is impracticable and unnecessary to issue this Treasury decision with notice and public procedure thereon under section 4 (a) of the Administrative Procedure Act, approved June 11, 1946, or subject to the effective date of limitation of section 4 (c) of said act.

(53 Stat. 419, 467; 26 U. S. C. 3450, 3791)

[SEAL] JOHN B. DUNLAP,
Commissioner of Internal Revenue.

Approved: February 12, 1952.

THOMAS J. LYNCH,
Acting Secretary of the Treasury.

[F. R. Doc. 52-1935; Filed, Feb. 15, 1952; 8:50 a. m.]

TITLE 29—LABOR

Chapter V—Wage and Hour Division, Department of Labor

PART 522—EMPLOYMENT OF LEARNERS

SHOE MANUFACTURING INDUSTRY

On January 22, 1952, the Administrator published in the FEDERAL REGISTER (17 F. R. 667-668) a proposed amendment to the regulations governing employment of learners in the shoe manufacturing industry at wages lower than the minimum wage established in section 6 of the Fair Labor Standards Act of 1938, as amended, and interested persons were given 15 days to submit data, views or argument pertaining thereto. Such amendment was proposed as the result of a careful reexamination of the regulations in the light of recent changes in wage levels, and administrative experience in the operation of the regulations.

No objections to such amendment were submitted.

On the basis of all relevant information available I find it necessary, in order to prevent the curtailment of opportunities for employment, to adopt the proposed amendment to the regulations.

Accordingly, pursuant to authority under section 14 of the Fair Labor Standards Act of 1938, as amended (sec. 14, 52 Stat. 1068; 29 U. S. C. 214), § 522.253 is hereby amended to read as follows:

§ 522.253 *Subminimum rates.* (a) The subminimum rates which may be authorized in special certificates issued in the shoe manufacturing industry shall be not less than 68½ cents per hour for the first 240 hours of the learning period and not less than 72½ cents per hour for the remaining 240 hours.

(b) In establishments where experienced workers are paid on a piece rate basis, learners shall be paid the same piece rates that experienced workers engaged in the same occupation are paid and earnings shall be based on those piece rates if in excess of the subminimum rates provided in paragraph (a) of this section.

(Sec. 14, 52 Stat. 1068; 29 U. S. C. 214)

The above amendment shall become effective March 17, 1952.

Signed at Washington, D. C., this 13th day of February 1952.

WM. R. MCCOMB,
Administrator,
Wage and Hour and Public Contracts Divisions.

[F. R. Doc. 52-1934; Filed, Feb. 15, 1952; 8:48 a. m.]

TITLE 7—AGRICULTURE

Chapter VIII—Production and Marketing Administration (Sugar Branch), Department of Agriculture

Subchapter H—Determination of Wage Rates

[Sugar Determination 862.4]

PART 862—SUGAR BEETS; REGIONS OTHER THAN STATE OF CALIFORNIA, SOUTHWESTERN ARIZONA, AND SOUTHERN OREGON

1952 CROP

Pursuant to the provisions of section 301 (c) (1) of the Sugar Act of 1948 (herein referred to as "act"), after investigation, and consideration of the evidence obtained at the public hearing held in several cities in the sugar beet area during December 1951, the following determination is hereby issued:

§ 862.4 *Fair and reasonable wage rates for persons employed in the production, cultivation, or harvesting of the*

1952 crop of sugar beets in regions other than the State of California, southwestern Arizona, and southern Oregon—(a) *Requirements.* The requirements of section 301 (c) (1) of the act shall be deemed to have been met with respect to the production, cultivation, or harvesting of the 1952 crop of sugar beets in regions other than the State of California, southwestern Arizona, and southern Oregon if the producer complies with the following:

(1) *Wage rates.* All persons employed on the farm, or part of the farm covered by a separate labor agreement, shall have been paid in full for all such work and shall have been paid wages in cash therefor at rates as agreed upon between the producer and the laborer but, after the beginning of work on the 1952 crop or the date of issuance of this section, whichever is later, not less than the following:

(i) *For work performed on a time basis.* (*a*) Thinning, hoeing, or weeding: 65 cents per hour. (*b*) Pulling, topping, or loading: 70 cents per hour. (*c*) For workers between 14 and 16 years of age the rates in subdivisions (*a*) and (*b*) of this subparagraph may be reduced by not more than one-third. Maximum employment for such workers, without deduction from payments under the act to the producer, is 8 hours per day.

(ii) *For work performed on a piecework basis.* (*a*) 1952 basic piecework rates per acre for thinning, hoeing, and weeding by wage districts:

Operations	I	II (A)	II (B)	III	IV (A)	IV (B)	V	VI
	Michigan, Ohio, Indiana, Illinois, Wisconsin	Northwestern Minnesota, Eastern North Dakota	Southern Minnesota, Iowa	Nebraska, Colorado, Kansas, South Dakota, Southeastern and Eastern Wyoming, East-Central Utah, New Mexico, Texas	Northern Wyoming, Western North Dakota, Montana (except Western)	Western Montana	Southern and Eastern Idaho, Utah (except East-Central), Northern Nevada	Western Idaho, Oregon (except Southern), Washington
Thinning								
Hoe and finger thinning fields planted with segmented seed (notes 1 and 2):								
Without machine blocking	$13.00	$13.00	$14.00	$13.50	$14.50	$13.50	$13.00	$13.00
With machine blocking (note 3)	11.00	11.00	12.00	11.50	12.50	11.50	11.00	11.00
Hoe-thinning, no finger thinning (any type seed) (note 4)	9.00	9.00	10.00	9.50	10.50	9.50	9.00	9.00
Hoeing and weeding (any type seed)								
First hoeing following hoe and finger thinning	4.50	5.00	5.00	5.50	6.00	6.00	5.00	7.00
First hoeing following hoe-thinning, no finger thinning	5.50	6.00	6.00	6.50	7.00	7.00	6.00	8.00
Second and each subsequent hoeing or weeding	3.00	3.50	4.00	4.00	4.50	5.50	4.00	6.00

Combined operations. Where a written agreement provides for a combined rate for "summer work", the rate for such work regardless of the number of hoeings or weedings required, shall be the sum of the applicable thinning, hoeing, and weeding rates specified above.

Wide row planting. The above thinning, hoeing and weeding rates may be reduced by not more than the indicated percentages for the following row spacings: 28 inches or more but less than 34 inches, 20 percent; 34 inches or more but less than 34 inches, 25 percent; 34 inches or more, 30 percent.

Cross cultivation. In an instance where cross cultivation is performed prior to hoeing or weeding, the specified first hoeing rate may be reduced not in excess of $1.00 per acre, and the specified subsequent hoeing or weeding rate may be reduced not in excess of 50 cents per acre.

NOTE 1: Hoe and finger thinning consists of removing excess beet plants from rows by use of a hoe in combination with finger work. Segmented seed includes seed which has been sheared or which has been graded to pass through a 13/64 inch screen, with size variations not in excess of 3/64 inch.

NOTE 2: The basic piecework rate for hoe and finger thinning fields planted with natural whole seed shall be $2.00 more per acre than the rates specified for hoe and finger thinning fields planted with segmented seed.

NOTE 3: The rate for hoe and finger thinning machine blocked fields is applicable where the beets have been machine blocked before the plants have passed the 8-leaf stage; where the blocks have not been covered with dirt; and where the blocks are not larger than 4" by 6"; otherwise the "without machine blocking" rate applies.

NOTE 4: Applicable where the producer does not require the worker to finger thin because of machine blocking, machine thinning, low rate of seeding or other labor saving practice.

(b) 1952 basic piecework rates per ton for pulling, topping, and loading by wage districts:

Average tons per acre for the farm, or part of the farm covered by a separate labor agreement (to determine applicable rate, round average tonnage to nearest one-tenth ton in Wage District I and to nearest full ton in other wage districts)	I	II (A)	II (B)	III	IV	IV	V	VI
	Michigan, Ohio, Indiana, Illinois, Wisconsin	Northwestern Minnesota, Eastern North Dakota	Southern Minnesota, Iowa	Nebraska, Colorado, Kansas, South Dakota, Southeastern and Eastern Wyoming, East-Central Utah, New Mexico, Texas	Montana, Northern Wyoming, Western North Dakota		Southern and Eastern Idaho, Utah (except East-Central), Northern Nevada	Western Idaho, Oregon (except Southern), Washington
	Pull and top (note 1)	Pull and top (note 1)		Pull and top (notes 1 and 3)	Pull and top (note 1)	Pull, top and load (notes 1 and 2)	Pull, top and load (notes 1 and 2)	Pull, top and load (notes 1 and 2)
4	$2.30	$1.80	$1.80	$2.05	$2.05	$2.45	$2.30	$2.15
5	2.15	1.75	1.75	1.95	1.95	2.32	2.20	2.05
6	2.00	1.70	1.70	1.85	1.85	2.20	2.10	2.00
7	1.90	1.65	1.65	1.80	1.80	2.14	2.05	1.95
8	1.80	1.65	1.60	1.75	1.75	2.08	2.00	1.90
9	1.73	1.65	1.55	1.70	1.70	2.02	1.95	1.85
10	1.71	1.65	1.50	1.65	1.65	1.96	1.90	1.80
11	1.67	1.65	1.45	1.60	1.60	1.90	1.85	1.75
12	1.64	1.65	1.40	1.55	1.55	1.84	1.80	1.72
13	1.61	1.65	1.40	1.52	1.52	1.80	1.75	1.69
14	1.59	1.65	1.40	1.49	1.49	1.77	1.72	1.67
15	1.57	1.65	1.40	1.46	1.46	1.73	1.70	1.65
16	1.55	1.65	1.40	1.43	1.43	1.70	1.69	1.63
17	1.55	1.65	1.40	1.41	1.41	1.67	1.68	1.63
18	1.55	1.65	1.40	1.39	1.39	1.65	1.67	1.59
19	1.53	1.65	1.40	1.37	1.37	1.62	1.66	1.57
20 and over	1.53	1.65	1.40	1.35	1.35	1.60	1.65	1.55
	Minimum wage per acre							
	$9.20	$7.20	$7.20	$8.20	$8.20	$9.80	$9.20	$8.60

NOTE 1: In instances in which the operations of pulling and topping are performed by different workers, the applicable pulling and topping rate shall be divided 35 percent for pulling and 65 percent for topping.

NOTE 2: Where loading is not required of the worker who does the pulling and topping, the rate for pulling and topping shall be 70 percent of the applicable combined rate for pulling, topping and loading; except, that if the beets are to be loaded mechanically and the topper is not required to pull beets to provide a place for a windrow, the rate for pulling and topping shall be not less than 60 percent of the applicable combined rate for pulling, topping and loading.

NOTE 3: In the east-central Utah region of Wage District III if the worker who performs the pulling and topping is also required to perform hand loading the applicable combined rate for pulling, topping, and loading shall be 30 percent more than the rate specified for pulling and topping only.

(iii) *Work not covered by specific rates.* For any work in the production, cultivation, or harvesting of sugar beets for which a time or piecework rate is not specified in this paragraph, such as fertilizing, plowing, preparing seedbed, irrigating, or work in connection with mechanical harvesting, the rate shall be as agreed upon between the producer and laborer.

(2) *Perquisites.* In addition to the foregoing, the producer shall furnish to the laborer, without charge, the perquisites customarily furnished by him, such as housing, garden plot, and similar items.

(b) *Subterfuge.* The producer shall not reduce the wage rates to laborers below those determined in this section through any subterfuge or device whatsoever.

(c) *Claim for unpaid wages.* Any person who believes he has not been paid in accordance with this section may file a wage claim with the local County Production and Marketing Administration Committee against the producer on whose farm the work was performed. Such claim must be filed within two years from the date the work with respect to which the claim is made was performed. Detailed instructions and

wage claim forms are available at the office of the local County Production and Marketing Administration Committee. Upon receipt of a wage claim the County Production and Marketing Administration Committee shall thereupon notify the producer against whom the claim is made concerning the representation made by the laborer, and, after making such investigation as it deems necessary, notify the producer and laborer in writing of its recommendation for settlement of the claim. If either party is not satisfied with the recommended settlement, an appeal may be made to the State Production and Marketing Administration Committee of the State in which is located the farm where the work was performed. The address of the State Committee will be furnished by the office of the local County Committee. Upon receipt of the appeal the State Production and Marketing Administration Committee shall likewise consider the facts and notify the producer and laborer in writing of its recommendation for settlement of the claim. If the recommendation of the State Committee is not acceptable, either party may file an appeal with the Director of the Sugar Branch, Production and Marketing Administration, U. S. Department of Agriculture, Washington 25, D. C. All such appeals shall be filed within 15 days after receipt of the recommended settlement of the respective committee, otherwise such recommended settlements will be applied in making payments under the act. If a claim is appealed to the Director of the Sugar Branch, his decision shall be binding on all parties insofar as payments under the act are concerned.

STATEMENT OF BASES AND CONSIDERATIONS

(a) *General.* The foregoing determination provides fair and reasonable wage rates to be paid by producers to persons employed in the production, cultivation, or harvesting of the 1952 crop of sugar beets in regions other than the State of California, southwestern Arizona, and southern Oregon. It prescribes the minimum requirements with respect to wages which must be met as one of the conditions for payment under the act.

(b) *Requirements of the act and standards employed.* In determining fair and reasonable wage rates, the act requires that a public hearing be held, that investigations be made, and that consideration be given to (1) the standards formerly established by the Secretary of Agriculture under the Agricultural Adjustment Act, as amended, and (2) the differences in conditions among various sugar producing areas.

A public hearing was held in Detroit, Michigan; St. Paul, Minnesota; Billings, Montana; Salt Lake City, Utah; and Greeley, Colorado, during the period December 3 through December 12, 1951, at which interested persons presented testimony with respect to fair and reasonable wage rates for work on the 1952 crop of sugar beets in regions other than the State of California, southwestern Arizona and southern Oregon. In addition, investigations have been made of the conditions affecting such wage rates. In this determination consideration has been given to testimony presented at the hearings and to the information resulting from investigations. The primary factors which have been considered are (1) prices of sugar and byproducts; (2) income from sugar beets; (3) cost of production; (4) cost of living; and (5) relationship of labor cost to total cost. Other economic influences also have been considered.

(c) *1952 wage determination.* This wage determination continues the requirements of the 1951 wage determination with the following exceptions: (1) Minimum hourly rates for thinning, hoeing, and weeding are increased from 60 to 65 cents per hour and for pulling, topping, and loading from 65 to 70 cents per hour, and (2), minimum piecework rates for thinning fields which have been machine blocked or fields on which no finger thinning is required are increased $1.00 per acre for all districts except Wage District I. The increases for those hourly and piecework rates affected average about 8 percent but the effect of the changes on the over-all wage structure is limited to about one percent.

Analysis of the factors customarily considered in wage determinations does not provide sufficient grounds for a general increase in the piecework rate structure. Results of a labor performance study made throughout the beet area during the 1951 crop indicate that the average hourly earnings of piecework employees, working under normal field conditions in the several wage districts, ranged between 70 and 90 cents per hour for thinning and hoeing and between 75 and 95 cents per hour for harvest work when computed at the minimum rates provided in the 1951 determination. The survey data show, however, that the piecework rates for thinning mechanically blocked fields resulted in lower hourly earnings than the rates provided for fields cultivated in the ordinary manner. Although it is recognized that producers quite generally in all of the districts paid wages in 1951 in excess of minimum rates for thinning machine blocked fields, the minimum rates for such work are adjusted upward in this determination to bring them into better alignment with rates for other operations. Hourly rates are not used extensively as a basis of compensation for hand work on the sugar beet crop but minimum time rates are provided in this, as in prior determinations, as a compliance base. The increase provided in this determination for hourly rates is the first since 1947 and represents an adjustment to bring such rates into closer conformity with piecework rates.

In addition to the labor performance study referred to above, the Department also has information concerning returns, costs and profits of sugar beet producers obtained in a survey during an earlier year and recast for the 1952 crop in accordance with conditions expected to prevail this year. These data indicate that the wages provided in this determination are within the growers' ability to pay. Although prices paid for commodities used in the production of the 1952 crop are expected to exceed the high level of the previous year, it is anticipated that improvements in production methods will offset in part the effect upon costs of increased supply prices. Living costs of the workers are expected to continue at the presently high level or to advance somewhat.

At the public hearing, producer representatives generally recommended against a change in minimum wage rates for the 1952 crop because income prospects which they regarded as unfavorable and high production costs did not appear to warrant a general wage increase. Representatives of workers pointed to higher living costs, generally higher industrial and farm wage rates and improved producer income per acre as compared with the pre-war period. One of these representatives recommended piecework rates designed to return average earnings of $1.00 per hour for non-harvest work and $1.10 per hour for harvest work.

Producer representatives in certain districts again recommended a scale of piecework rates variable with the quality of thinning work performed. This recommendation has not been accepted for reasons stated in prior years, notably that work quality is primarily a function of individual producer-worker relationship.

After full consideration of the testimony and available economic data, the wage rates provided in this determination are deemed to be fair and reasonable.

Accordingly, I hereby find and conclude that the foregoing wage determination will effectuate the wage provisions of the Sugar Act of 1948.

(Sec. 403, 61 Stat. 932; 7 U. S. C. Sup. 1153. Interprets or applies Sec. 301, 61 Stat. 929; 7 U. S. C. Sup. 1131)

Issued this 13th day of February 1952.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 52-1941; Filed, Feb. 15, 1952; 8:50 a. m.]

Chapter IX—Production and Marketing Administration (Marketing Agreements and Orders), Department of Agriculture

[Lemon Reg. 421, Amdt. 1]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

LIMITATION OF SHIPMENTS

Findings. 1. Pursuant to the marketing agreement, as amended, and Order No. 53, as amended (7 CFR Part 953), regulating the handling of lemons grown in the State of California or in the State of Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of the quantity of such lemons which may be handled, as hereinafter provided,

will tend to effectuate the declared policy of the act.

2. It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice and engage in public rule making procedure (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended, is insufficient; and this amendment relieves restrictions on the handling of lemons grown in the State of California or in the State of Arizona.

Order, as amended. The provisions in paragraph (b) (1) (ii) of § 953.528 (Lemon Regulation 421, 17 F. R. 1244) are hereby amended to read as follows:

(ii) District 2: 260 carloads.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c)

Done at Washington, D. C., this 14th day of February 1952.

[SEAL] FLOYD F. HEDLUND,
Acting Director, Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 52-1995; Filed, Feb. 15, 1952; 9:04 a. m.]

[Lemon Reg. 422]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

LIMITATION OF SHIPMENTS

§ 953.529 *Lemon Regulation 422*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 53, as amended (7 CFR Part 953; 14 F. R. 3612), regulating the handling of lemons grown in the State of California or in the State of Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of the quantity of such lemons which may be handled, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. Shipments of lemons, grown in the State of California or in the State of Arizona, are currently subject to regulation pursuant to said amended marketing agreement and order; the recommendation and supporting information for regulation during the period specified herein was promptly submitted to the Department after an open meeting of the Lemon Administrative Committee on February 13, 1952; such meeting was held, after giving due notice thereof to consider recommendations for regulation, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter specified; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed by the effective time thereof.

(b) *Order.* (1) The quantity of lemons grown in the State of California or in the State of Arizona which may be handled during the period beginning at 12:01 a. m., P. s. t., February 17, 1952, and ending at 12:01 a. m., P. s. t., February 24, 1952, is hereby fixed as follows:

(i) District 1: 15 carloads;

(ii) District 2: 260 carloads;

(iii) District 3: Unlimited movement.

(2) The prorate base of each handler who has made application therefor, as provided in the said amended marketing agreement and order, is hereby fixed in accordance with the prorate base schedule which is attached to Lemon Regulation 421 (17 F. R. 1244), and made a part hereof by this reference.

(3) As used in this section, "handled," "handler," "carloads," "prorate base," "District 1," "District 2," and "District 3," shall have the same meaning as when used in the said amended marketing agreement and order.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c)

Done at Washington, D. C., this 14th day of February 1952.

[SEAL] FLOYD F. HEDLUND,
Acting Director, Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 52-1994; Filed, Feb. 15, 1952; 9:04 a. m.]

[Orange Reg. 411]

PART 966—ORANGES GROWN IN CALIFORNIA OR IN ARIZONA

LIMITATION OF SHIPMENTS

§ 966.557 *Orange Regulation 411*—(a) *Findings.* (1) Pursuant to the provisions of Order No. 66, as amended (7 CFR Part 966; 14 F. R. 3614), regulating the handling of oranges grown in the State of California or in the State of Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendation and information submitted by the Orange Administrative Committee, established under the said amended order, and upon other available information, it is hereby found that the limitation of the quantity of such oranges which may be handled, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. Shipments of oranges, grown in the State of California or in the State of Arizona, are currently subject to regulation pursuant to said amended order; the recommendation and supporting information for regulation during the period specified herein was promptly submitted to the Department after an open meeting of the Orange Administrative Committee on February 14, 1952, such meeting was held, after giving due notice thereof to consider recommendations for regulation, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter specified; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed by the effective time thereof.

(b) *Order.* (1) Subject to the size requirements in Orange Regulation 406 (7 CFR 966.552; 17 F. R. 385), the quantity of oranges grown in the State of California or in the State of Arizona which may be handled during the period beginning 12:01 a. m., P. s. t., February 17, 1952, and ending at 12:01 a. m., P. s. t., February 24, 1952, is hereby fixed as follows:

(i) *Valencia oranges.* (a) Prorate District No. 1: No movement;

(b) Prorate District No. 2: No movement;

(c) Prorate District No. 3: 25 carloads;

(d) Prorate District No. 4: No movement.

(ii) *Oranges other than Valencia oranges.* (*a*) Prorate District No. 1: Unlimited movement;

(*b*) Prorate District No. 2: 850 carloads;

(*c*) Prorate District No. 3: Unlimited movement;

(*d*) Prorate District No. 4: Unlimited movement.

(2) The prorate base of each handler who has made application therefor, as provided in the said amended order, is hereby fixed in accordance with the prorate base schedule which is attached hereto and made a part hereof by this reference.

(3) As used in this section, "handled," "handler," "varieties," "carloads," and "prorate base" shall have the same meaning as when used in the said amended order; and the terms "Prorate District No. 1," "Prorate District No. 2," "Prorate District No. 3," and "Prorate District No. 4" shall each have the same meaning as given to the respective terms in § 966.107, as amended (15 F. R. 8712), of the current rules and regulations (7 CFR 966.103 et seq.), as amended (15 F. R. 8712).

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c)

Done at Washington, D. C., this 15th day of February 1952.

[SEAL] FLOYD F. HEDLUND,
Acting Director, Fruit and Vegetable Branch, Production and Marketing Administration.

PRORATE BASE SCHEDULE

[12:01 a. m., P. s. t., Feb. 17, 1952 to 12:01 a. m., P. s. t., Feb. 24, 1952]

ALL ORANGES OTHER THAN VALENCIA ORANGES

Prorate District No. 2

Handler	Prorate base (percent)
Total	100.0000
A. F. G. Alta Loma	.2208
A. F. G. Corona	.2417
A. F. G. Fullerton	.0303
A. F. G. Orange	.0436
A. F. G. Riverside	.4458
A. F. G. Santa Paula	.0151
Eadington Fruit Co., Inc	.4691
Hazeltine Packing Co	.0154
Placentia Cooperative Orange Association	.6236
Signal Fruit Association	1.0557
Azusa Citrus Association	1.1939
Covina Citrus Association	1.7457
Covina Orange Growers Association	.4901
Damerel-Allison Association	1.0467
Glendora Citrus Association	1.2121
Glendora Mutual Orange Association	.5563
Valencia Heights Orchard Association	.3180
Gold Buckle Association	3.0320
La Verne Orange Association	4.0393
Anaheim Valencia Orange Association	.0160
Fullerton Mutual Orange Association	.3666
La Habra Citrus Association	.1787
Yorba Linda Citrus Association	.0646
El Cajon Valley Citrus Association	.2267
Escondido Orange Association	.5847
Alta Loma Heights Citrus Association	.4375
Citrus Fruit Growers	.6013
Etiwanda Citrus Fruit Association	.1264
Mountain View Fruit Association	.1244
Old Baldy Citrus Association	0.3597
Rialto Heights Orange Growers	.3436
Upland Citrus Association	2.3294
Upland Heights Orange Association	1.1136
Consolidated Orange Growers	.0281
Garden Grove Citrus Association	.0302
Goldenwest Citrus Association, The	.1956
Olive Heights Citrus Association	.0483
Santiago Orange Growers Association	.1559
Villa Park Orchards Association	.0386
Bradford Bros., Inc	.2343
Placentia Mutual Orange Association	.2198
Placentia	.2737
Yorba Orange Growers Association	.0648
Corona Citrus Association	1.0726
Jameson Co	.5884
Orange Heights Orange Association	3.4073
Crafton Orange Growers Association	1.1561
East Highlands Citrus Association	.4190
Redlands Heights Groves	.8304
Redlands Orangedale Association	1.1257
Rialto-Fontana Citrus Association	.5065
Break & Son, Allen	.2994
Bryn Mawr Fruit Growers Association	1.1627
Mission Citrus Association	1.1841
Redlands Cooperative Fruit Association	1.6355
Redlands Orange Growers Association	1.0212
Redlands Select Groves	.5456
Rialto Orange Co	.5809
Southern Citrus Growers	1.0686
United Citrus Growers	.8085
Zilen Citrus Co	.4162
Arlington Heights Citrus Co	1.3198
Brown Estate, L. V. W	1.8271
Gavilan Citrus Association	2.2227
Highgrove Fruit Association	.5697
Krinard Packing Co	2.1065
McDermont Fruit Co	1.7527
Monte Vista Citrus Association	1.4996
National Orange Co	1.3689
Riverside Citrus Association	.1541
Riverside Heights Orange Growers Association	1.2106
Sierra Vista Packing Association	.7501
Victoria Avenue Citrus Association	3.3684
Claremont Citrus Association	.8943
College Heights Orange & Lemon Association	1.7003
Indian Hill Citrus Association	1.1440
Pomona Fruit Growers Exchange	1.5493
Walnut Fruit Growers Association	.6675
West Ontario Citrus Association	1.1248
Escondido Cooperative Citrus Association	.0497
San Dimas Orange Growers Association	1.0571
Canoga Citrus Association	.1017
North Whittier Heights Citrus Association	.1730
San Fernando Heights Orange Association	.5453
Sierra Madre-Lamanda Citrus Association	.1129
Camarillo Citrus Association	.0056
Fillmore Citrus Association	.9864
Ojai Orange Association	.7794
Piru Citrus Association	1.1800
Rancho Sespe	.0011
Tapo Citrus Association	.0105
Ventura County Citrus Exchange	.1642
East Whittier Citrus Association	.0032
Murphy Ranch	.0321
Bryn Mawr Mutual Orange Association	.5695
Chula Vista Mutual Lemon Association	0.0901
Euclid Avenue Orange Association	2.5525
Foothill Citrus Union, Inc	.4950
Golden Orange Groves, Inc	.1333
Index Mutual Association	.0084
La Verne Cooperative Citrus Association	3.2409
Mentone Heights Association	.6132
Olive Hillside Groves	.0069
Redlands Foothill Groves	2.5674
Redlands Mutual Orange Association	1.2281
Ventura County Orange & Lemon Association	.3329
Whittier Mutual Orange & Lemon Association	.0193
Allec Bros	.0037
Babijuice Corp. of California	.2672
Banks, L. M	.0115
Becker, Samuel Eugene	.0105
Book, Maynard C	.0003
Borden Fruit Co	.0061
Cherokee Citrus Co., Inc	.9980
Chess Co., Meyer W	.4705
Cucamonga Citrus Growers, Inc	.0335
Dunning Ranch	.2181
Evans Bros. Packing Co	.7393
Gold Banner Association	1.7350
Granada Packing House	.1497
Highgrove Citrus Co	.1441
Hill Packing House, Fred A	.8422
Holland, M. J	.0127
Knapp Packing Co., John C	.0342
Lima & Sons, Joe	.0531
Martin, Virgil	.0157
Orange Belt Fruit Distributors	1.6224
Orange Hill Groves	.3155
Panno Fruit Co., Carlo	.0312
Paramount Citrus Association	.0444
Placentia Orchard Co	.0837
Prescott, John A	.0075
Ronald, P. W	.0427
San Antonio Orchards Co	1.1745
Stephens & Cain	.1909
Torn Ranch	.0285
Wall, E. T., Grower-Shipper	2.0192
Western Fruit Growers, Inc	3.5696

VALENCIA ORANGES

Prorate District No. 3

Total	100.0000
Allen & Allen Citrus Packing Co	.7903
Consolidated Citrus Growers	14.1820
McKellips Citrus Co., Inc	10.0058
Phoenix Citrus Packing Co	2.4528
Arizona Citrus Growers	16.8696
Chandler Heights Citrus Growers	2.1722
Desert Citrus Growers Co., Inc	8.1655
Mesa Citrus Growers	14.5563
Tempeco Groves	3.4571
Imperial Valley Grapefruit Growers	.3599
Southern Citrus Association	5.0570
Yuma Mesa Fruit Growers Association	8.0268
Pioneer Fruit Co	2.6067
Clark & Sons Produce Co., J. H	.5322
Hearsh Bros	.8705
Hill Packing House, Fred A	.1587
Macchiaroli Fruit Co., James	.5154
Marth, Leo W	.2293
Morris Bros	1.6031
Panno Fruit Co., Carlo	.3302
Potato House, The	.1756
Russo Bros	1.9633
Sunny Valley Citrus Packing Co	2.9874
Terracciano Fruit Co	.2364
Valley Citrus Packing Co	1.6954

[F. R. Doc. 52-2031; Filed, Feb. 15, 1952; 11:33 a. m.]

TITLE 32A—NATIONAL DEFENSE, APPENDIX

Chapter IX—Petroleum Administration for Defense, Department of the Interior

[PAD Order 1, as Amended March 1, 1952]

PAD–1—Products of Petroleum and Gas Origin

Automotive Tetraethyl Lead Fluid

This order as amended is found necessary and appropriate to promote the national defense and is issued pursuant to the Defense Production Act of 1950, as amended. In the formulation of the original order, as issued effective March 1, 1951, there was consultation with industry representatives, including trade association representatives, and consideration was given to their recommendations. Consultation with industry representatives in the formulation of this amended PAD Order No. 1 has been rendered impracticable due to the need for immediate action.

This amendment affects PAD Order No. 1 by rearrangement of substantially all of the text and sections of the original order. The following substantive changes are made: Original sections 2 (e) and 2 (f) have been deleted; a new section 2 (e) has been added defining "1951 Authorized Usage"; section 3 has been revised in its entirety to prescribe use limitations of tetraethyl lead fluid for the 12-month period beginning March 1, 1952; section 4 has been revised to recognize adjustments which may be necessary during 1952; a new section 7, "Defense against claims for damages" has been added; the former section 7 has been renumbered as section 8, and has been appropriately revised.

Sec.
1. What this order does.
2. Definitions.
3. Limitation on the use of automotive tetraethyl lead fluid.
4. Application for adjustments.
5. Records and reports.
6. Communications.
7. Defense against claims for damages.
8. Violations.
9. Effective date.

Authority: Sections 1 to 9 issued under sec. 704, 64 Stat. 816, Pub. Law 96, 82d Cong.; 50 U. S. C. App. Supp. 2154. Interpret or apply sec. 101, 64 Stat. 799, Pub. Law 96, 82d Cong.; 50 U. S. C. App. Supp. 2071, sec. 101, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR, 1950 Supp., sec. 2, E. O. 10200, Jan. 3, 1951, 16 F. R. 61.

Section 1. *What this order does.* The purpose of this order is to conserve the supply of automotive tetraethyl lead fluid for the needs of national defense and to enable the output of military grades of aviation gasoline to be expanded. It is the intent of this order that the usage of automotive tetraethyl lead fluid shall be limited in order that manufacturers and users may accumulate and maintain adequate inventories thereof in the interest of national defense, and that supplies thereof may be made available where needed in the military aviation gasoline program.

Sec. 2. *Definitions.* As used in this order: (a) "Person" means any individual, corporation, partnership, association, or any other organized group of persons, or legal successor or representative of the foregoing, and includes the United States or any agency thereof, or any other Government, or any of its political subdivisions, or any agency of the foregoing.

(b) "Petroleum Refiner" means any person who is a producer, manufacturer, blender or shipper of automotive motor fuel, however and from whatever source derived.

(c) "Automotive Motor Fuel" means all grades and types of motor gasoline except gasoline produced or blended for use in aircraft.

(d) "Automotive Tetraethyl Lead Fluid" means that type of commercial motor fuel additive commonly known as "Motor Fuel Antiknock Compound (Motor Mix)," containing tetraethyl lead as the primary active ingredient, specifically sold for use in automotive motor fuel.

(e) "1951 Authorized Usage" means, as to any petroleum refiner, that quantity of automotive tetraethyl lead fluid that such refiner was authorized by the Petroleum Administration for Defense to use during the twelve (12) months ending February 29, 1952, including additional allotments granted since March 1, 1951, except, however, that additional allotments granted for specific non-recurring purposes may not be considered as "1951 Authorized Usage."

Sec. 3. *Limitation on the use of automotive tetraethyl lead fluid.* In the twelve (12) months' period beginning March 1, 1952, no petroleum refiner shall use more automotive tetraethyl lead fluid than one hundred seven (107) percent of his "1951 authorized usage": *Provided, however,* That not more than thirty (30) percent of such quantity shall be used in any of the three (3) months' periods beginning on the first days of March, June, September and December, 1952.

Sec. 4. *Application for adjustments.* Any person affected by any provision of this order may file a request for adjustment or exceptions upon the ground that his operations were commenced, increased, or altered during or since calendar year 1950, as a result of which any provision hereof works undue or exceptional hardship upon him not suffered generally by his competitors or others similarly situated, in the same trade or industry, or that its application to him would not be in the interest of national defense or the public interest. Each such request shall be in writing and shall set forth all the pertinent facts and the nature of the relief sought, and shall state the justification therefor. An original and two (2) copies of each request shall be submitted.

Sec. 5. *Records and reports.* (a) Each person covered by this order shall retain in his possession for at least two years records in sufficient detail to permit an audit to determine that the provisions of this order have been met. This does not specify any particular accounting method and does not require alteration of the system of records customarily maintained, provided such records supply an adequate basis for audit. Records may be maintained in the form of microfilm or other photographic copies instead of the originals.

(b) All records required by this order shall be made available, at the usual place of business where maintained, for inspection and audit by duly authorized representatives of the Petroleum Administration for Defense.

(c) Persons subject to this order shall make such records and submit such reports to the Petroleum Administration for Defense as it shall require, subject to the terms of the Federal Reports Act of 1942 (56 Stat. 1078, 5 U. S. C., sec. 139–139f).

Sec. 6. *Communications.* All communications concerning this order shall be addressed to the Refining Division, Petroleum Administration for Defense, Department of the Interior, Washington 25, D. C. Ref. PAD–1, as amended.

Sec. 7. *Defense against claims for damages.* No person shall be held liable for damages or penalties for any act or failure to act resulting directly or indirectly from his compliance with this order, or amendments thereto, so long as this order and its amendments shall remain in force, notwithstanding that this order, or any amendment thereto, or any part thereof, shall hereafter be declared invalid by judicial or other competent authority.

Sec. 8. *Violations.* Any person who willfully violates any provision of this order or who willfully conceals a material fact or furnishes false information in the course of operation under this order, is guilty of a crime and upon conviction may be punished by fine or imprisonment, or both. Administrative action may be taken against such person to suspend his privilege of making or receiving further deliveries of materials or using facilities under priority or allocation control and to deprive him of further priorities assistance.

Sec. 9. *Effective date.* This order, as amended, is issued this 14th day of February 1952, and shall be effective on and after the 1st day of March 1952.

Oscar L. Chapman,
Secretary of the Interior and Petroleum Administrator for Defense.

[F. R. Doc. 52–1974; Filed, Feb. 15, 1952; 8:50 a. m.]

TITLE 39—POSTAL SERVICE

Chapter I—Post Office Department

Part 1—Establishment and Organization of Post Office Department

Editorial Note: Federal Register Document 51–15274, appearing at page 13090 of the issue for Friday, December 28, 1951, has been corrected as follows:

The section designation "§ 1.16" has been changed to "§ 1.14."

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Bureau of Entomology and Plant Quarantine

[7 CFR Part 301]

THURBERIA WEEVIL

NOTICE OF PROPOSED REVOCATION OF THURBERIA WEEVIL QUARANTINE AND REGULATIONS

Notice is hereby given under section 4 of the Administrative Procedure Act (5 U. S. C. 1003) that the Secretary of Agriculture, pursuant to section 8 of the Plant Quarantine Act of 1912, as amended (7 U. S. C. 161), is considering revoking the Thurberia Weevil Quarantine (notice of quarantine No. 61, 7 CFR 301.61) and regulations and administrative instructions supplemental thereto (7 CFR 301.61–1 to 301.61–15, inclusive).

The original Thurberia weevil quarantine and regulations were promulgated on July 2, 1926. They were revised effective October 2, 1933, with a modification of one of the regulations on October 22, 1936. Administrative instructions outlining treating methods were issued July 27, 1937.

The Thurberia weevil (Anthonomus grandis thurberiae Pierce), although normally living on wild cotton or so-called Thurberia plant (Gossypium thurberi) in the mountains of southern Arizona, is a biological relative of the ordinary cotton boll weevil. The quarantine was based on the fear that because of its ability to thrive under the hot, arid conditions of western Texas and Arizona, the pest might become as injurious in western cotton areas as is the common boll weevil in the main Cotton Belt.

The quarantine and regulations restrict the movement from weevil-infested districts of materials capable of carrying the pest, such as cotton lint, cottonseed and cottonseed products. The regulated area comprises all or parts of the counties of Cochise, Graham, Pima, Pinal, and Santa Cruz, Arizona.

Twenty-five years' observations of this pest show that it exists on its native host in Mexico and in certain mountainous sections of Arizona. It has migrated from the Thurberia plant to nearby cotton fields almost annually during that period. It has been observed that the insect does not hibernate in domestic cotton bolls. Rather the extremely light infestations observed each year are the result of migration from nearby Thurberia plants. Although the weevil has been observed annually in limited numbers on domestic cotton in Pima and Santa Cruz counties, it has never caused any commercial damage. It has never been reported from Maricopa county although there are no natural barriers to prevent it from spreading there. In only one instance has it been observed in the cotton fields of Pinal county. For these reasons it is not believed that this insect threatens the production of cultivated cotton in the arid areas of Arizona, California, New Mexico, or western Texas. It is accordingly believed feasible to revoke the Federal quarantine against this pest.

Conferences to consider the need for continuing this quarantine have been held with plant pest officials in Arizona and California. These officials are of the opinion that continued enforcement of the regulations is no longer necessary in view of past years' experience with this insect.

All persons who desire to submit written data, views, or arguments in connection with this matter should file the same with the Chief of the Bureau of Entomology and Plant Quarantine, Agricultural Research Administration, United States Department of Agriculture, Washington 25, D. C., within 20 days after the date of the publication of this notice in the FEDERAL REGISTER.

(Sec. 8, 37 Stat. 318, as amended; 7 U. S. C. 161)

Done at Washington, D. C., this 12th day of February 1952.

[SEAL] C. J. McCORMICK,
Acting Secretary of Agriculture.

[F. R. Doc. 52-1925; Filed, Feb. 15, 1952; 8:47 a. m.]

Production and Marketing Administration

[7 CFR Part 951]

[Docket No. AO 135-A3]

HANDLING OF TOKAY GRAPES GROWN IN CALIFORNIA

NOTICE OF HEARING WITH RESPECT TO PROPOSED AMENDMENTS TO MARKETING AGREEMENT AND ORDER

Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.) and in accordance with the applicable rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders, as amended (7 CFR Part 900), notice is hereby given of a public hearing to be held in the Chamber of Commerce Auditorium, City Hall, Lodi, California, beginning at 10:00 a. m., P. s. t., March 13, 1952, with respect to proposed amendments to the marketing agreement, as amended, and Order No. 51, as amended (7 CFR Part 951), hereinafter referred to as the "marketing agreement" and "order," respectively, regulating the handling of Tokay grapes grown in the State of California. These proposals have not received the approval of the Secretary of Agriculture.

Such public hearing is for the purpose of receiving evidence with respect to the economic and marketing conditions relating to the proposed amendments, which are hereinafter set forth, and appropriate modifications thereof.

The following amendments to the aforesaid marketing agreement and order have been proposed by the Industry Committee, established pursuant to the aforesaid marketing agreement and order to administer the provisions thereof:

1. Delete the provisions of § 951.4 *Grapes* and insert, in lieu thereof, the following:

§ 951.4 *Grapes.* "Grapes" means all strains of Tokay grapes grown in the production area.

2. Delete the provisions of § 951.7 *Handle* and insert, in lieu thereof, the following:

§ 951.7 *Handle.* "Handle" is synonymous with "ship" and means to sell, load in a conveyance for transportation, offer for transportation, transport, or in any other way to place grapes in the current of commerce between any point within the production area and any point outside thereof. The delivery of grapes to a refrigerated storage warehouse either within the production area or to points outside shall constitute a handling. The term "handle" shall not include the sale of grapes on the vine or the transportation of grapes from a vineyard to a packing shed within the production area.

3. Delete the provisions of § 951.11 *District* and insert, in lieu thereof, the following:

§ 951.11 *District.* "District" means the applicable one of the following described subdivisions of the production area:

(a) "Lodi District" means the County of San Joaquin in the State of California, and shall be divided into the following Election Districts: (1) "Acampo Election District" means the school district of Houston; (2) "Woodbridge Election District" means the school district of Woods, and that portion of the Galt Joint Union School District situated in San Joaquin County; (3) "Lafayette Election District" means the school districts of Lafayette, Henderson, Turner, Ray, Terminous and New Hope; (4) "Victor Election District" means the school districts of Bruella, Victor, Lockeford, Oak View and Clements; (5) "Alpine Election District" means the school districts of Alpine and Lodi; (6) "Live Oak Election District" means all of the school districts in the Lodi District, other than those included in the Acampo, Woodbridge, Lafayette, Victor, and Alpine Election Districts. The boundaries of the foregoing school districts shall be those in effect on October 1, 1947.

(b) "Florin District" means the county of Sacramento in the State of California.

4. Add after § 951.11 a new definition as follows:

§ 951.12 *Production area.* "Production area" means the Counties of San Joaquin and Sacramento in the State of California.

5. Delete the words "State of California" appearing in § 951.32 (1) and insert, in lieu thereof, the words "production area."

6. Delete paragraphs (a), (b), (c), and (d) of § 951.40 *Shippers' Advisory Committee* and insert, in lieu thereof, the following:

§ 951.40 *Shippers' Advisory Committee.* (a) A shippers' Advisory Committee, consisting of seven members selected by the handlers in accordance with the provisions of this subpart, is hereby established. There shall be an alternate for each member of such committee. An alternate member shall, in the event of such member's absence from a meeting of the committee, act in the place and stead of such member, and, in the event of a vacancy in the office of such member, shall act in the place and stead of such member until a successor for the unexpired term of such member has been selected.

(b) Six members and six alternate members of the Shippers' Advisory Committee shall be elected by handlers at a general meeting of all handlers, at which each handler shall have one vote for each member position and each alternate member position for which he is eligible to vote. Three of such members shall be elected by, and from among, the five largest handlers (determined on the basis of the quantity of grapes shipped by the respective handler during the preceding season). Three alternate members for such members shall also be elected by such handlers. Three members and their alternates shall be elected by all other handlers. The seventh member of such committee and his alternate shall be elected jointly by the members of the Industry Committee and the other six members of the Shippers' Advisory Committee.

(c) Except as otherwise provided in paragraph (b) of this section, any individual person, other than a member or an alternate member of the Industry Committee, shall be eligible for membership on the Shippers' Advisory Committee.

(d) The initial meeting of handlers, at which members of the Shippers' Advisory Committee are to be elected, shall be called and conducted by the Secretary or his agent as soon as possible after the selection of initial members of the Industry Committee. Each handler who desires to vote at the said meeting for the election of members of such committee shall file with the Secretary or his agent an affidavit stating his shipments of grapes during the preceding season. Election meetings held subsequent to the initial meeting shall be called and conducted by the Industry Committee as much in advance of the shipping season each year as is practical; and each handler who desires to vote thereat shall file, with the Industry Committee, a statement of his shipments of grapes during the season immediately preceding the season during which such meeting is held.

7. Delete the provisions of § 951.52 *Exemptions* and insert, in lieu thereof, the following:

§ 951.52 *Exemptions.* (a) The Industry Committee shall, subject to the approval of the Secretary, adopt such procedural rules as are necessary to govern the issuance of exemption certificates under paragraph (b) of this section.

(b) In the event the Secretary issues a regulation pursuant to § 951.51, the Industry Committee shall issue an exemption certificate to any grower who furnishes proof, satisfactory to such committee, that by reason of conditions beyond his control he will be prevented, because of the regulation issued, from shipping or having shipped from any of his vineyards a percentage of his crop of grapes equal to (1) the average percentage of grapes produced in and shipped from his district during the preceding three seasons or (2) the average percentage of grapes produced in the vineyard to be exempted which were shipped during the preceding three seasons, whichever percentage is greater. The certificate shall permit such grower to ship, or have shipped, a percentage of his crop of grapes from such vineyard equal to such greater percentage.

(c) If any grower is dissatisfied with the action of the Industry Committee taken with respect to his application for an exemption certificate, such grower may appeal to the Secretary: *Provided,* That such appeal shall be made promptly. The Secretary may, upon an appeal made as aforesaid, modify or reverse the action of the committee. The authority of the Secretary to supervise and control the issuance of exemption certificates is unlimited and plenary; and any determination by the Secretary with respect to an exemption certificate shall be final and conclusive.

(d) The Industry Committee shall, from time to time, submit to the Secretary reports stating in detail the number of exemption certificates issued, the quantity of grapes thus exempted, and such additional information with respect thereto as the Secretary may request.

8. Delete paragraph (j) of § 951.60 *Definitions* and insert, in lieu thereof, the following:

§ 951.60 *Definitions.* * * * (j) "Handle" is synonymous with "ship" and means to transport by railroad, or to prepare for transportation by railroad (which shall include, but not be limited to, packaging and precooling), or to load in a conveyance for delivery to assembly points or to transport to assembly points, for transportation by railroad, in the current of commerce between any point within the production area and any point outside the State of California but within the continental limits of North America.

9. Delete § 951.87 *Grapes for charitable purposes* and insert, in lieu thereof, the following:

§ 951.87 *Grapes not subject to regulation.* Nothing contained in this subpart shall be construed to authorize any limitation of the right to ship grapes in any amount for conversion into by-products, including wine and juice, or grapes for consumption by a charitable institution or for distribution for relief purposes or for distribution by a relief agency. No assessment shall be levied on the grapes so shipped. Subject to the approval of the Secretary the Industry Committee may prescribe such regulations as may be deemed necessary by it to prevent grapes shipped for such purposes from entering the commercial fruit channels of trade contrary to or in violation of the provisions of this subpart.

The Fruit and Vegetable Branch, Production and Marketing Administration, has proposed that consideration be given to such other changes in the marketing agreement and order as may be necessary to make the entire marketing agreement and order conform with the proposed amendments.

Copies of this notice of hearing may be obtained from the Hearing Clerk, United States Department of Agriculture, Room 1353, South Building, Washington 25, D. C., or from the Western Marketing Field Office of the Fruit and Vegetable Branch, Production and Marketing Administration, either at 100 Plaza Building, 921 Tenth Street, Sacramento 14, California, or 333 Fell Street, San Francisco 2, California.

Done at Washington, D. C., this 12th day of February 1952.

[SEAL] ROY W. LENNARTSON,
Assistant Administrator.

[F. R. Doc. 52-1926; Filed, Feb. 15, 1952; 8:47 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[17 CFR Parts 201, 230, 240, 250, 260, 270, 275]

FEES AND CHARGES BY THE COMMISSION

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given that, upon request, the Securities and Exchange Commission has extended until March 10, 1952, the time for comments to be submitted to the Commission on the proposed rules relating to fees and charges by the Commission. These are set forth at 17 F. R. 932 (January 31, 1952).

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

FEBRUARY 6, 1952.

[F. R. Doc. 52-1922; Filed, Feb. 15, 1952; 8:46 a. m.]

NOTICES

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Misc. 61588]

COLORADO

ORDER PROVIDING FOR THE OPENING OF PUBLIC LANDS RESTORED FROM THE SAN LUIS VALLEY PROJECT

FEBRUARY 12, 1952.

An order of the Bureau of Reclamation dated April 13, 1951, concurred in by the Associate Director, Bureau of Land Management, May 29, 1951, revoked the Departmental orders of June 23, 1941, March 24, 1943, and July 24, 1945, so far as they withdrew under the provisions of the Reclamation Act of June 17, 1902 (32 Stat. 388), the following described land in connection with the San Luis Valley Project, Colorado, and provided that such revocation shall not affect the withdrawal of any other lands by said order or affect any other order withdrawing or reserving the lands described:

NEW MEXICO PRINCIPAL MERIDIAN

T. 32 N., R. 7 E.,
Sec. 11, E½;
Sec. 12.
T. 33 N., R. 7 E.,
Sec. 25;
Sec. 26;
Sec. 27, N½, NE¼SW¼, N½SE¼, SE¼SE¼;
Sec. 34, E½NE¼, NE¼SE¼;
Sec. 35, N½, NW¼SW¼, N½SE¼.
T. 32 N., R. 8 E.,
Sec. 5, S½NE¼, SW¼, W½SE¼, NE¼SE¼;
Sec. 6, NE¼SE¼, S½SE¼;
Sec. 7, NE¼, E½NW¼.
T. 33 N., R. 8 E.,
Sec. 1, lot 4;
Sec. 2, lots 1, 2, 3, 4, S½N½, SW¼;
Sec. 3;
Secs. 4, 5, 8, 9, and 10;
Sec. 11, NW¼;
Sec. 15, W½NE¼, NW¼, NW¼SW¼;
Sec. 20;
Sec. 21, NE¼NW¼;
Sec. 29, N½N½, SW¼NW¼, N½SE¼NW¼;
Sec. 30;
Sec. 31, lots 1, 2, N½NE¼, E½NW¼.
T. 34 N., R. 8 E.,
Secs. 33 and 34.

The lands described above aggregate 11,879.64 acres.

The lands are mountainous and unsuitable for agriculture and are chiefly valuable for grazing.

No applications for these lands may be allowed under the homestead, small tract, desert-land, or any other nonmineral public-land laws, unless the lands have already been classified as valuable or suitable for such type of application, or shall be so classified upon the consideration of an application.

This order shall not otherwise become effective to change the status of such lands until 10:00 a. m. on the 35th day after the date of this order. At that time the said lands shall, subject to valid existing rights and the provisions of existing withdrawals, become subject to application, petition, location, and selection as follows:

(a) *Ninety-one day period for preference-right filings.* For a period of 91 days, commencing at the hour and on the day specified above, the public lands affected by this order shall be subject only to (1) application under the homestead or the desert-land laws or the Small Tract Act of June 1, 1938, 52 Stat. 609 (43 U. S. C. 682a), as amended, by qualified veterans of World War II and other qualified persons entitled to preference under the act of September 27, 1944, 58 Stat. 747 (43 U. S. C. 279–284), as amended, subject to the requirements of applicable law, and (2) application under any applicable public-land law, based on prior existing valid settlement rights and preference rights conferred by existing laws or equitable claims subject to allowance and confirmation. Applications under subdivision (1) of this paragraph shall be subject to applications and claims of the classes described in subdivision (2) of this paragraph. All applications filed under this paragraph either at or before 10:00 a. m. on the 35th day after the date of this order shall be treated as though filed simultaneously at that time. All applications filed under this paragraph after 10:00 a. m. on the said 35th day shall be considered in the order of filing.

(b) *Date for non-preference-right filings.* Commencing at 10:00 a. m. on the 126th day after the date of this order, any lands remaining unappropriated shall become subject to such application, petition, location, selection, or other appropriation by the public generally as may be authorized by the public-land laws. All such applications filed either at or before 10:00 a. m. on the 126th day after the date of this order, shall be treated as though filed simultaneously at the hour specified on such 126th day. All applications filed thereafter shall be considered in the order of filing.

A veteran shall accompany his application with a complete photostatic, or other copy (both sides), of his certificate of honorable discharge, or of an official document of his branch of the service which shows clearly his honorable discharge as defined in § 181.36 of Title 43 of the Code of Federal Regulations, or constitutes evidence of other facts upon which the claim for preference is based and which shows clearly the period of service. Other persons claiming credit for service of veterans must furnish like proof in support of their claims. Persons asserting preference rights, through settlement or otherwise, and those having equitable claims, shall accompany their applications by duly corroborated statements in support thereof, setting forth in detail all facts relevant to their claims.

Applications for these lands, which shall be filed in the Land and Survey Office, Denver, Colorado, shall be acted upon in accordance with the regulations contained in § 295.8 of Title 43 of the Code of Federal Regulations and Part 296 of that title, to the extent that such regulations are applicable. Applications under the homestead laws shall be governed by the regulations contained in Parts 166 to 170, inclusive, of Title 43 of the Code of Federal Regulations, and applications under the desert-lands laws and the said Small Tract Act of June 1, 1938, shall be governed by the regulations contained in Parts 232 and 257, respectively, of that title.

Inquiries concerning these lands shall be addressed to the Manager, Land and Survey Office, Denver, Colorado.

WILLIAM ZIMMERMAN, Jr.,
Associate Director.

[F. R. Doc. 52-1914; Filed, Feb. 15, 1952; 8:44 a. m.]

[Misc. 2111721]

IDAHO

ORDER PROVIDING FOR THE OPENING OF PUBLIC LANDS RESTORED FROM THE BOISE PROJECT

FEBRUARY 12, 1952.

An order of the Bureau of Reclamation dated August 28, 1951, concurred in by the Assistant Director, Bureau of Land Management, October 8, 1951, revoked the Departmental order of April 15, 1919, so far as it withdrew under the provisions of the Reclamation Act of June 17, 1902 (32 Stat. 388), the following described land in connection with the Boise Project, Idaho, and provided that such revocation shall not affect the withdrawal of any other lands by said order or affect any other order withdrawing or reserving the lands described:

BOISE MERIDIAN

T. 6 N., R. 4 W.,
Sec. 22, W½NE¼.

The above areas aggregate 80 acres.

The lands are chiefly valuable for grazing purposes.

No applications for these lands may be allowed under the homestead, small tract, desert-land, or any other nonmineral public-land laws, unless the lands have already been classified as valuable or suitable for such type of application, or shall be so classified upon the consideration of an application.

This order shall not otherwise become effective to change the status of such lands until 10:00 a. m. on the 35th day after the date of this order. At that time the said lands shall, subject to valid existing rights and the provisions of existing withdrawals, become subject to application, petition, location, and selection as follows:

(a) *Ninety-one day period for preference-right filings.* For a period of 91 days, commencing at the hour and on the day specified above, the public lands affected by this order shall be subject only to (1) application under the homestead or the desert-land laws or the Small Tract Act of June 1, 1938, 52 Stat. 609 (43

U. S. C. 682a), as amended, by qualified veterans of World War II and other qualified persons entitled to preference under the act of September 27, 1944, 58 Stat. 747 (43 U. S. C. 279–284), as amended, subject to the requirements of applicable law, and (2) application under any applicable public-land law, based on prior existing valid settlement rights and preference rights conferred by existing laws or equitable claims subject to allowance and confirmation. Applications under subdivision (1) of this paragraph shall be subject to applications and claims of the classes described in subdivision (2) of this paragraph. All applications filed under this paragraph either at or before 10:00 a. m. on the 35th day after the date of this order shall be treated as though filed simultaneously at that time. All applications filed under this paragraph after 10:00 a. m. on the said 35th day shall be considered in the order of filing.

(b) *Date for non-preference-right filings.* Commencing at 10:00 a. m. on the 126th day after the date of this order, any lands remaining unappropriated shall become subject to such application, petition, location, selection, or other appropriation by the public generally as may be authorized by the public-land laws. All such applications filed either at or before 10:00 a. m. on the 126th day after the date of this order, shall be treated as though filed simultaneously at the hour specified on such 126th day. All applications filed thereafter shall be considered in the order of filing.

A veteran shall accompany his application with a complete photostatic, or other copy (both sides), of his certificate of honorable discharge, or of an official document of branch of the service which shows clearly his honorable discharge as defined in § 181.36 of Title 43 of the Code of Federal Regulations, or constitutes evidence of other facts upon which the claim for preference is based and which shows clearly the period of service. Other persons claiming credit for service of veterans must furnish like proof in support of their claims. Persons asserting preference rights, through settlement or otherwise, and those having equitable claims, shall accompany their applications by duly corroborated statements in support thereof, setting forth in detail all facts relevant to their claims.

Applications for these lands, which shall be filed in the Land and Survey Office, Boise, Idaho, shall be acted upon in accordance with the regulations contained in § 295.8 of Title 43 of the Code of Federal Regulations and Part 296 of that title, to the extent that such regulations are applicable. Applications under the homestead laws shall be governed by the regulations contained in Parts 166 to 170, inclusive, of Title 43 of the Code of Federal Regulations, and applications under the desert-land laws and the said Small Tract Act of June 1, 1938, shall be governed by the regulations contained in Parts 232 and 257, respectively, of that title.

Inquiries concerning these lands shall be addressed to the Manager, Land and Survey Office, Boise, Idaho.

WILLIAM ZIMMERMAN, Jr.,
Associate Director.

[F. R. Doc. 52–1915; Filed, Feb. 15, 1952; 8:45 a. m.]

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

RUSSELL SALE PAVILION, RUSSELL, KANS.

DEPOSTING OF STOCKYARD

It has been ascertained that the Russell Sale Pavilion, Russell, Kansas, originally posted on April 19, 1950, as being subject to the Packers and Stockyards Act, 1921, as amended (7 U. S. C. 181 et seq.), no longer comes within the definition of a stockyard under said act for the reason that it no longer meets the area requirements. Therefore, notice is given to the owner of such stockyard and to the public that such stockyard is no longer subject to the provisions of said act.

Notice of public rule making has not preceded promulgation of the foregoing rule since it is found that the giving of such notice would prevent the due and timely administration of the Packers and Stockyards Act and would, therefore, be impractical. There is no legal warrant or justification for not depositing promptly a stockyard which no longer meets the area requirements of the act and is, therefore, no longer a stockyard within the definition contained in said act.

The foregoing rule is in the nature of a rule granting an exemption or relieving a restriction and, therefore, may be made effective in less than 30 days after publication thereof in the FEDERAL REGISTER. This notice shall become effective upon publication in the FEDERAL REGISTER.

(42 Stat. 159, as amended; 7 U. S. C. 181 et seq.)

Done at Washington, D. C., this 13th day of February 1952.

[SEAL] H. E. REED,
Director, Livestock Branch, Production and Marketing Administration.

[F. R. Doc. 52–1940; Filed, Feb. 15, 1952; 8:50 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. 4163]

NATIONAL AIRLINES, INC., ET AL.; SERVICE TO MELBOURNE, FLORIDA

NOTICE OF HEARING

In the matter of the application of the City of Melbourne, Florida, under section 401 (h) of the Civil Aeronautics Act of 1938, as amended, for the amendment of existing certificates of public convenience and necessity so as to provide daily air service to said city.

Notice is hereby given that pursuant to the Civil Aeronautics Act of 1938, as amended, particularly sections 401 (h) and 1001 of said act, the above-entitled proceeding is assigned for public hearing on February 27, 1952 at 10:00 a. m., e. s. t., in the Civic Center, Front Street at New Haven Avenue, Melborne, Florida, before Examiner Edward T. Stodola.

Without limiting the scope of the issues presented by the application, particular attention will be directed to whether the public convenience and necessity require the amendment of the existing certificates of public convenience and necessity of National Airlines, Inc., Eastern Air Lines, Inc., and Delta Air Lines, Inc., so as to provide air transportation to the City of Melbourne, Florida.

For further details regarding the issues involved in this proceeding, interested parties are referred to the application and other materials filed in Docket No. 4163 with the Docket Section of the Civil Aeronautics Board.

Notice is further given that any person desiring to be heard in opposition to the aforesaid application must file with the Civil Aeronautics Board on or before February 27, 1952, a written statement setting forth such relevant propositions of fact or law as he desires to advance.

Dated at Washington, D. C., February 12, 1952.

By the Civil Aeronautics Board.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 52–1936; Filed, Feb. 15, 1952; 8:48 a. m.]

DEFENSE PRODUCTION ADMINISTRATION

[D. P. A. Request 35]

REQUEST TO SMALL MANUFACTURERS COOPERATIVE TO OPERATE AS A SMALL BUSINESS ENTERPRISE PRODUCTION POOL AND REQUEST TO CERTAIN COMPANIES TO PARTICIPATE IN THE OPERATIONS OF SUCH POOL

Pursuant to section 708 of the Defense Production Act of 1950, as amended, the request to Small Manufacturers Cooperative to operate as a small business enterprise production pool and the request to the companies hereinafter listed to participate in the operations of such pool, set forth below, were approved by the Attorney General after consultations with respect thereto between the Attorney General, the Chairman of the Federal Trade Commission, and the Administrator of the Defense Production Administration. The Voluntary Program, in accordance with which the pool shall operate, has been approved by the Administrator of the Defense Production Administration and found to be in the public interest as contributing to the national defense.

REQUEST TO SMALL MANUFACTURERS COOPERATIVE

You are requested to operate as a small business enterprise production pool in accordance with the Voluntary Program, as set forth in the papers submitted to the Department of Commerce, Pooling Section, Office of Small Business, Washington, D. C.

In my opinion, the operations of your corporation, as a small business enterprise production pool, will greatly assist in the accomplishment of our national defense program.

The Attorney General has approved this request after consultations with respect thereto between his representatives, representatives of the Chairman of the Federal Trade Commission, and my representatives, pursuant to section 708 of the Defense Production Act of 1950, as amended.

I approve the Voluntary Program and find it to be in the public interest as contributing to the national defense. You may commence your operations as a small business enterprise production pool upon notifying me in writing of your acceptance of this request. Immunity from prosecution under the Federal antitrust laws and the Federal Trade Commission Act will be given upon such acceptance, provided that such operations are within the limits set forth in the approved Voluntary Program.

Your cooperation in this matter will be appreciated.

Sincerely yours,

MANLY FLEISCHMAN,
Administrator.

REQUEST TO COMPANIES

You are requested to participate in Small Manufacturers Cooperative, Bridgeport, Connecticut, which will operate as a small business enterprise production pool, in accordance with the Voluntary Program, as set forth in the papers submitted by it to the Office of Small Business, Pooling Section, National Production Authority, Department of Commerce, Washington, D. C.

In my opinion, your participation in the operations of this small business enterprise production pool will greatly assist in the accomplishment for our national defense program.

The Attorney General has approved this request after consultations with request to this matter between his representatives, representatives of the Chairman of the Federal Trade Commission, and my representatives, pursuant to section 708 of the Defense Production Act of 1950, as amended.

I approve the Voluntary Program and find it to be in the public interest as contributing to the national defense. You will become a participant upon notifying me in writing of your acceptance of this request. Immunity from prosecution under the Federal antitrust laws and the Federal Trade Commission Act will be given upon such acceptance, provided that the operations of this production pool and your participation therein are within the limits set forth in the approved Voluntary Program.

Your cooperation in this matter will be appreciated.

Sincerely yours,

MANLY FLEISCHMANN,
Administrator.

LIST OF COMPANIES ACCEPTING REQUEST TO PARTICIPATE

Barnaby Manufacturing Company, Inc., 70 Knowlton Street, Bridgeport, Connecticut.

Contract Plating Company, Inc., 540 Longbrook Avenue, Stratford, Connecticut.

The Bond Rubber Corporation, 72 Chapel Street, Derby, Connecticut.

A. H. Massey, Inc., 200 Longbrook Avenue, Stratford, Connecticut.

The Ruleta Company, Inc., 380 Mountain Grove Street, Bridgeport, Connecticut.

Small Manufacturers Cooperative accepted the request, set forth above, to operate as a small business enterprise production pool.

(Sec. 708, 64 Stat. 818, 50 U. S. C. App. Supp. 2158; E. O. 10200, Jan. 3, 1951, 16 F. R. 61)

Dated: February 15, 1952.

MANLY FLEISCHMANN,
Administrator.

[F. R. Doc. 52-2029; Filed, Feb. 15, 1952; 11:07 a. m.]

OFFICE OF DEFENSE MOBILIZATION

[RC 32; No. 155, Revocation]

LORAIN, OHIO, AREA

DETERMINATION AND CERTIFICATION OF A CRITICAL DEFENSE HOUSING AREA

FEBRUARY 15, 1952.

Upon specific data which has been prescribed by and presented to the Secretary of Defense and the Director of Defense Mobilization and on the basis of other information available in the discharge of their official duties, the undersigned find that the conditions required by section 204 (1) of the Housing and Rent Act of 1947, as amended, do not exist in the area designated as

Lorain, Ohio Area. (Includes all of Lorain County),

and the certification dated October 30, 1951, is hereby revoked.

WILLIAM C. FOSTER,
Acting Secretary of Defense.
C. E. WILSON,
Director of Defense Mobilization.

[F. R. Doc. 52-2028; Filed, Feb. 15, 1952; 10:40 a. m.]

ECONOMIC STABILIZATION AGENCY

Office of the Administrator

[Determination 95]

SMYRNA, TENNESSEE, CRITICAL DEFENSE HOUSING AREA

APPROVAL OF EXTENT OF RELAXATION OF CREDIT CONTROLS

SECTION 1. *Authority.* This action is taken pursuant to the authority conferred by the Housing and Rent Act of 1947, as amended (Public Law 129, 80th Cong., as amended by Public Laws 422 and 464, 80th Cong., Public Laws 31, 574 and 880, 81st Cong.; and Public Laws 8, 69 and 96, 82d Cong.); and more particularly section 204 (m) of Public Law 96; and the Defense Production Act of 1950, as amended (Public Law 774, 81st Cong.; as amended by Public Law 96, 82d Cong.); and Executive Order 10161 of September 9th, 1950, and Executive Order 10276 of July 31st, 1951; and as implemented by Economic Stabilization Agency Order No. 9 of July 31, 1951.

SEC. 2. *Determination.* In view of the joint determination and certification by the Secretary of Defense and the Director of Defense Mobilization, dated February 5, 1952, that the Smyrna, Tennessee, area (this area consists of Districts 1, 2, 3, 4, 5, 6, 7, 9, 13, 15, 16, 17, 19, 21 and 22, all in Rutherford County, Tennessee, including the Cities of Murfreesboro and Smyrna) is a critical defense housing area, and in view of the defense housing program announced for the said area on February 12, 1952, by the administrator of the Housing and Home Finance Agency, with the concurrence of the Board of Governors of the Federal Reserve System, it is hereby determined, after due consideration of relevant factors, that real estate construction credit controls have been relaxed in the Smyrna, Tennessee, critical defense housing area to the extent necessary to encourage construction of housing for defense workers and military personnel.

ROSS S. SHEARER,
Acting Administrator.

FEBRUARY 13, 1952.

[F. R. Doc. 52-2027; Filed, Feb. 15, 1952; 10:31 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Change List No. 68]

CANADIAN BROADCAST STATIONS

LIST OF CHANGES, PROPOSED CHANGES, AND CORRECTIONS IN ASSIGNMENTS

JANUARY 18, 1952.

Notification under the provisions of part III, section 2, of the North American Regional Broadcasting Agreement.

List of changes, proposed changes, and corrections in assignments of Canadian Broadcast Stations modifying Appendix containing assignments of Canadian Broadcast Stations (Mimeograph 47214-3) attached to the recommendations of the North American Regional Broadcasting Agreement Engineering Meeting, January 30, 1941.

CANADA

Call letters	Location	Power (kw)	Radiation	Time designation	Class	Probable date to commence operation
CFCL	Timmins, Ontario	580 kilocycles, 1	DA-1	U	III	Now in operation.
CBU	Vancouver, B. C.	690 kilocycles, 10	DA-1	U	II	Do.
CFYK	Yellowknife, N. W. T. (PO: 0.15 kw ND—U—1450 kc).	1340 kilocycles, 0.25	ND	U	IV	Immediately.
CFBM	Brochet, Manitoba	(Delete—see assignment on 1450 kc).				
CFDA	Victoriaville, P. Q.	1380 kilocycles, 1	DA-N	U	III	Now in operation.
CFBM	Brochet, Manitoba (PO: 0.1 kw N D—U—1340 kc).	1450 kilocycles, 0.25	ND	U	IV	Immediately.
CFYK	Yellowknife, N. W. T.	(Delete—see assignment on 1340 kc).				
CHUB	Nanaimo, B. C.	1370 kilocycles, 1	DA-1	U	II	Now in operation.

[SEAL]

FEDERAL COMMUNICATIONS COMMISSION,
T. J. SLOWIE,
Secretary.

[F. R. Doc. 52-1928; Filed, Feb. 15, 1952; 8:47 a. m.]

[Change List No. 13]

DOMINICAN REPUBLIC BROADCAST STATIONS

LIST OF CHANGES, PROPOSED CHANGES, AND CORRECTIONS IN ASSIGNMENTS

JANUARY 12, 1952.

Notifications under the provisions of part III, section 2, of the North American Regional Broadcasting Agreement.

List of changes, proposed changes, and corrections in assignments of Dominican Republic Broadcast Stations Modifying Appendix Containing Assignments of Dominican Republic Broadcast Stations (Mimeograph 47214–2) attached to the recommendations of the North American Regional Broadcasting Agreement Engineering Meeting, January 30, 1941.

DOMINICAN REPUBLIC

Call letters	Location	Power	Time designation	Radiation	Class	Probable date to commence operation
HI3C.....	San Francisco de Macoris (change in location from La Romana).	1250 kilocycles 1 kw-D/0.1 kw-N.	U	ND	III-IV	Feb. 1, 1952
HI4B.....	Santiago de Los Caballeros (change in location from San Pedro de Macoris, and in call letters from HI3J).	1330 kilocycles, 0.5.....	U	ND	III	Do.

NOTE: This replaces canceled Dominican Republic Change List Number 13, dated December 27, 1951.

[SEAL]

FEDERAL COMMUNICATIONS COMMISSION,
T. J. SLOWIE,
Secretary.

[F. R. Doc. 52–1929; Filed, Feb. 15, 1952; 8:47 a. m.]

[Docket No. 8836]

HARBENITO BROADCASTING CO. (KGBS)

ORDER SCHEDULING FURTHER HEARING

In re application of Harbenito Broadcasting Company (KGBS), Harlingen, Texas, for construction permit; Docket No. 8836, File No. BP–6350.

The Commission having under consideration a motion, filed on January 28, 1952, on behalf of Harbenito Broadcasting Company (KGBS), requesting the Commission to designate the above-entitled application for further hearing on February 6, 1952; and

It appearing, that by Commission order of May 4, 1951, the applicant was afforded an opportunity to conduct a site survey which it has now completed; and

It further appearing, that counsel for the respondent National Broadcasting Company (KOA) and for the Chief of the Broadcast Bureau have informally consented to the action herein taken and that the granting of the petition as hereinafter ordered will conduce to the orderly dispatch of the Commission's business; Now therefore,

It is ordered, This 1st day of February 1952, that the motion is granted in part, and the above-entitled application is assigned for hearing to be commenced in Washington, D. C., on February 25, 1952, at 10:00 a. m.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 52–1930; Filed, Feb. 15, 1952; 8:48 a. m.]

[Docket No. 10007]

PEOPLES BROADCASTING CORP. (WOL)

ORDER CONTINUING HEARING

In re application of Peoples Broadcasting Corporation (WOL), Washington, D. C., for construction permit; Docket No. 10007, File No. BP–7873.

The Commission having under consideration a petition filed on February 1, 1952, by the applicant herein requesting a continuance for a period of approximately ten (10) days of the hearing now scheduled to commence on February 7, 1952; and

It appearing, that the applicant is preparing an amendment to specify a different antenna site and that the engineering portion thereof will not be completed before the scheduled hearing date; and

It further appearing from the record herein, that the hearing in this proceeding has been continued successively heretofore upon applicant's petition therefor on three occasions, the last two continuances having been granted to permit completion of the applicant's contemplated application amendment relating to the antenna site; and

It further appearing, that counsel for the applicant and counsel for the Chief of the Broadcast Bureau have informally consented to waive the notice and time of filing requirements of § 1.745 and have interposed no objection to the indefinite continuance as hereinafter ordered; and

It further appearing, that a continuance of the hearing upon this application without date will permit to the applicant ample time within which to complete and present the planned amendment to its application, and will likewise permit of such deliberative consideration thereof and action thereon as may be appropriate without requiring further continuances in this proceeding, and thus will conduce to the orderly dispatch of the Commission's business; now therefore,

It is ordered, This 6th day of February 1952, that the petition for continuance for a period of approximately 10 days is denied only in so far as it requests a continuance to a day certain, but said petition for continuance, being construed upon the Commision's own motion, to constitute a request for an indefinite continuance is hereby granted and accordingly the hearing upon the application in this proceeding, which was scheduled to have been commenced on February 7, 1952, is hereby continued to a date to be fixed by further order.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary

[F. R. Doc. 52–1931; Filed, Feb. 15, 1952; 8:48 a. m.]

[Docket Nos. 9605, 9997, 10019]

GULF BEACHES BROADCASTING CO., INC., ET AL.

ORDER CONTINUING HEARING

In re applications of Gulf Beaches Broadcasting Co., Inc., St. Petersburg Beach, Florida, Docket No. 9605, File No. BP–7302; Howard E. Pill, d/b as Alabama-Gulf Radio, Foley, Alabama, Docket No. 10019, File No. BP–8012; E. P. Martin, Alpha Martin and Elmo B. Kitts, d/b as Hillsboro Broadcasting Company (WEBK), Tampa, Florida, Docket No. 9997, File No. BP–7892; for construction permits.

The Commission having under consideration a petition, filed February 4, 1952, on behalf of Gulf Beaches Broadcasting Company, Inc., requesting that the hearing in this proceeding, now scheduled for February 11, 1952, be continued to a date not earlier than March 1, 1952; and

It appearing, that petitioner, in order to eliminate interference with the herein proposed operation at Foley, has determined to request amendment of its application to specify a directional antenna system and site for which the engineering data are not completed; and

It further appearing, that petitioner has exercised diligent efforts to develop the proposed amendment and to secure an acceptable location for the planned directional antenna array; and

It further appearing, that counsel for each party in this proceeding and counsel for the Chief of the Broadcasting Bureau have informally waived the notice and time of filing requirements of § 1.745 and have consented to the continuance as hereinafter ordered and that such continuance will conduce to the orderly dispatch of the Commission's business; now therefore,

It is ordered, This 8th day of February 1952, that the petition for continuance be, and it is hereby granted, and

the hearing in this proceeding, which was scheduled to have been commenced on February 11, 1952, is continued to Monday, March 3, 1952, at 10 a. m. at Washington, D. C.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 52-1932; Filed, Feb. 15, 1952; 8:48 a. m.]

[Docket No. 9944]

WEST SIDE RADIO

ORDER CONTINUING HEARING

In re application of West Side Radio, Tracy, California, for construction permit; Docket No. 9944, File No. BP-7802.

The Commission having under consideration a petition filed on behalf of the Chief of the Broadcast Bureau on February 6, 1952, requesting that the further hearing be continued for approximately thirty days from February 11, 1952; and

It appearing that no action has as yet been taken on a petition filed by the Chief of the Broadcast Bureau on December 17, 1951, requesting the Commission to direct the Hearing Examiner to close the record in this proceeding without conducting any further hearing and to prepare and release an initial decision with respect to a single issue in the Commission's Order of Designation, namely, Issue No. 8; and

It further appearing that the continuance requested is for the purpose of postponing the further hearing hitherto scheduled pending the Commission's determination as to whether any further hearing should be held; and

It further appearing that the applicant herein has consented to a grant of this petition;

It is ordered, This 8th day of February 1952, that the petition be and it is hereby granted and the hearing presently scheduled for February 11, 1952, is continued to March 17, 1952.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 52-1933; Filed, Feb. 15, 1952; 8:48 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G-1613]

CITY OF FAIRFIELD, ILLINOIS

NOTICE OF FINAL DECISION

FEBRUARY 12, 1952.

Notice is hereby given that the Presiding Examiner's Decision, issuing a certificate of public convenience and necessity in the above designated matter, was issued and served on all parties on January 8, 1952. No exceptions thereto having been filed or review initiated by the Commission, in conformity with the Commission's rules of practice and procedure said Presiding Examiner's Decision became effective February 8, 1952, as the final decision and order of the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 52-1919; Filed, Feb. 15, 1952; 8:45 a. m.]

[Docket No. G-1871]

OHIO FUEL GAS CO.

ORDER FIXING DATE OF HEARING

FEBRUARY 11, 1952.

On January 8, 1952, The Ohio Fuel Gas Company (Applicant), an Ohio corporation having its principal place of business at Columbus, Ohio, filed an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing the construction and operation of certain natural-gas transmission pipeline facilities, subject to the jurisdiction of the Commission, all as more fully described in said application on file with the Commission and open to public inspection.

The Commission finds: This proceeding is a proper one for disposition under the provisions of § 1.32 (b) (18 CFR 1.32 (b)) of the Commission's rules of practice and procedure, Applicant having requested that its application be heard under the shortened procedure provided for by the aforesaid rule for noncontested proceedings, and no request to be heard, protest or petition having been filed subsequent to the giving of due notice of the filing of the application, including publication in the FEDERAL REGISTER on January 23, 1952 (17 F. R. 704-705).

The Commission orders:

(A) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing be held on February 29, 1952, at 9:45 a. m., in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue NW., Washington, D. C., concerning the matters involved and the issues presented by such application: *Provided, however*, That the Commission may, after a noncontested hearing, forthwith dispose of the proceeding pursuant to the provisions of § 1.32 (b) of the Commission's rules of practice and procedure.

(B) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the said rules of practice and procedure.

Date of issuance: February 12, 1952.

By the Commission:

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 52-1918; Filed, Feb. 15, 1952; 8:45 a. m.]

[Docket No. G-1883]

TEXAS EASTERN TRANSMISSION CORP. AND TEXAS GAS TRANSMISSION CORP.

NOTICE OF APPLICATION

FEBRUARY 12, 1952.

Take notice that on January 28, 1952, Texas Eastern Transmission Corporation (Texas Eastern) and Texas Gas Transmission Corporation (Texas Gas), Delaware corporations having their principal places of business at Shreveport, Louisiana, and Owensboro, Kentucky, respectively, filed a joint application pursuant to section 7 of the Natural Gas Act for a certificate of public convenience and necessity authorizing the exchange of gas between Texas Eastern and Texas Gas at points in Panola County, Texas, and Claiborne Parish, Louisiana.

By agreement dated January 18, 1952, Texas Eastern would take from Texas Gas in Panola County, Texas, approximately 20,000 Mcf of gas per day from the effective date of the agreement until November 1, 1952; an equal quantity of gas would be returned by Texas Eastern to Texas Gas during the period December 1, 1952 to December 1, 1957, in Claiborne Parish, Louisiana, at such times and in such quantities, not in excess of 20,000 Mcf per day, as Texas Gas elects. Texas Gas would deliver gas to Texas Eastern until November 1, 1952, only to the extent that Texas Gas has such gas available after meeting its other requirements. Texas Eastern is obligated to advance to Texas Gas an amount equal to 7.25 cents for each Mcf of gas delivered by Texas Gas until November 1, 1952; said amount to be returned by Texas Gas to Texas Eastern upon return to Texas Gas of quantities of gas equal to those delivered by Texas Gas prior to November 1, 1952.

Applicants request that their application be heard under the shortened procedure provided by the Commission's rules. Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 1st day of March 1952.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 52-1921; Filed, Feb. 15, 1952; 8:46 a. m.]

[Docket No. IT-5519]

BONNEVILLE POWER ADMINISTRATION

NOTICE OF EXTENSION OF TIME FOR FILING PETITIONS OR PROTESTS

FEBRUARY 8, 1952.

Notice is hereby given that an extension of time to and including March 6, 1952, is hereby granted for filing petitions or protests in the above designated matters.

This extension amends the notice issued on January 23, 1952 (17 F. R. 843).

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 52-1920; Filed, Feb. 15, 1952; 8:46 a. m.]

[Project No. 2030]

PORTLAND GENERAL ELECTRIC CO.

NOTICE OF OPINION AND ORDER ISSUING LICENSE (MAJOR)

FEBRUARY 12, 1952.

Notice is hereby given that, on December 21, 1951, the Federal Power Commission issued its opinion and order, entered December 18, 1951, issuing license (Major) in the above-entitled matter.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 52-1916; Filed, Feb. 15, 1952; 8:45 a. m.]

MISSISSIPPI RIVER FUEL CORP.

NOTICE OF ORDER ALLOWING EMERGENCY SERVICE RULES TO TAKE EFFECT UPON AN INTERIM BASIS

FEBRUARY 12, 1952.

Notice is hereby given that on February 1, 1952, the Federal Power Commission issued its order entered January 31, 1952, allowing emergency service rules to take effect upon an interim basis as conditioned by order entered January 31, 1952, extending to June 30, 1952, the period of temporary certificates issued in Docket Nos. G-1281, G-1454, G-1510, and G-1755.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 52-1917; Filed, Feb. 15, 1952; 8:45 a. m.]

INTERSTATE COMMERCE COMMISSION

[4th Sec. Application 26801]

SAND AND GRAVEL FROM OHIO TO GRAHAM, W. VA.

APPLICATION FOR RELIEF

FEBRUARY 13, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: L. C. Schuldt, Agent, for The Baltimore and Ohio Railroad Company and other carriers.

Commodities involved: Sand and gravel, carloads.

From: Rittenours, Richmondale, and R. A. Junction, Ohio.

To: Graham, W. Va.

Grounds for relief: Competition with rail carriers and cross country competition.

Schedules filed containing proposed rates: C. & O. Ry. tariff I. C. C. No. 13201, Supp. 1.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 52-1923; Filed, Feb. 15, 1952; 8:46 a. m.]

[4th Sec. Application 26802]

ENGINES FROM MILWAUKEE, WIS., TO CHICOPEE FALLS, MASS.

APPLICATION FOR RELIEF

FEBRUARY 13, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: L. C. Schuldt, Agent, for carriers parties to his tariff I. C. C. No. 3758, pursuant to fourth-section order No. 9800.

Commodities involved: Internal combustion engines, carloads.

From: Milwaukee, Wis.

To: Chicopee Falls, Mass.

Grounds for relief: Competition with rail carriers and circuitous routes.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 52-1924; Filed, Feb. 15, 1952; 8:46 a. m.]

[4th Sec. Application 26800]

SUPERPHOSPHATE FROM THE SOUTH TO WESTERN TRUNK LINE TERRITORY

APPLICATION FOR RELIEF

FEBRUARY 12, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for carriers parties to Agent C. A. Spaninger's tariff I. C. C. No. 1120.

Commodities involved: Superphosphate (acid phosphate), other than ammoniated, carloads.

From: Points in southern territory.

To: Points in western trunk-line territory.

Grounds for relief: Circuitous routes and to apply over short tariff routes rates constructed on the basis of the short line distance formula.

Schedules filed containing proposed rates C. A. Spaninger's tariff I. C. C. No. 1180, Supp. 18.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 52-1881; Filed, Feb. 14, 1952; 8:48 a. m.]